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Commission on Crime Prevention and Criminal Justice

Report on the Fourth Session (30 May-9 June 1995)

Economic and Social Council

Official Records, 1995
Supplement No. 10

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NOTE

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SUMMARY

At its fourth session, the Commission on Crime Prevention and Criminal Justice recommended the adoption of one draft resolution by the General Assembly and eight draft resolutions and three draft decisions by the Economic and Social Council. In addition, it adopted three resolutions to be brought to the attention of the Council.

In the draft resolution for adoption by the General Assembly, on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the General Assembly would take note with appreciation of the report of the Ninth Congress and would endorse the resolutions adopted by the Ninth Congress, as approved by the Commission on Crime Prevention and Criminal Justice, as well as the recommendations on their implementation made by the Commission at its fourth session and by the Council at its substantive session in 1995. The General Assembly would also request the Secretary-General to pay particular attention to the operational aspects of the follow-up to the Ninth Congress in order to assist interested States in strengthening the rule of law by reinforcing their national machinery, promoting human resource development, undertaking joint training activities and executing pilot and demonstration projects, and would urge the Department for Development Support and Management Services of the Secretariat, the United Nations Development Programme, the World Bank and other funding agencies to continue to provide financial support and assistance within the framework of their technical cooperation programmes.

In draft resolution I, on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Council would request the Secretary-General to further strengthen operational activities in developing countries and countries in transition, by providing advisory services and training programmes and by carrying out field studies at the national level, and to convene an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation. The Council would also decide to establish an open-ended working group of the Commission with the aim of studying the proposal for the establishment of a regional centre for training and research in crime prevention and criminal justice for the Mediterranean States, to be based at Cairo.

With regard to action against national and transnational economic and organized crime, the Council would request the Commission to continue placing special emphasis on the development of strategies for the effective prevention and control of organized transnational crime and to consider measures on the prevention and suppression of illicit trafficking in motor vehicles. The Council would also request the Secretary-General to consider the feasibility of establishing an integrated system for the periodic gathering and dissemination of information on national legislation in crime prevention and criminal justice and its implementation, with a view to encouraging progressive alignment regarding, inter alia, international cooperation, extradition and other bilateral and multilateral modalities of mutual assistance in criminal matters.

With regard to links between transnational organized crime and terrorist crimes, the Council would, inter alia, recommend that the Commission should consider including an item entitled "The links between transnational organized crime and terrorist crimes" on the agenda for the Tenth Congress on the Prevention of Crime and the Treatment of Offenders.

The Council would also decide to establish an open-ended intergovernmental working group within the framework of the Commission. The working group would consider, at the fifth session of the Commission, the views of Member States to be sought by the Secretary-General in the implementation of Ninth Congress resolution 3, as well as measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between organized crime and terrorist crimes.

With regard to criminal justice and police systems, the Council would invite the Commission to keep the matter of prison conditions under review and, in particular, would recommend that the Commission should discuss the establishment of efficient information-gathering mechanisms on prison conditions. Regarding the crime prevention and criminal justice information network and databases, the Council would request the Secretary-General to seek the contributions of Member States to prepare a draft action plan on international cooperation and assistance on statistical and computerized applications in the management of the criminal justice system.

With regard to firearms regulation for purposes of crime prevention and public safety, the Council, in the same draft resolution, would request the Commission to consider the measures to regulate firearms commonly applicable in Member States, with a view to suppressing the use of firearms in criminal activities. It would also request the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental and other organizations active in the field of firearms regulation, inter alia, by regularly exchanging data and other information, particularly on criminal cases, accidents and suicides in which firearms were involved, the situation with regard to transnational illicit trafficking in firearms, national legislation and regulations relevant to firearms regulation, and relevant initiatives for firearms regulation at the regional and interregional levels.

Focusing on children as victims and perpetrators of crime, the Council would decide that the elimination of violence against children should be considered within the priority theme "Crime prevention in urban areas, juvenile and violent criminality" of the United Nations crime prevention and criminal justice programme in the biennium 1996-1997, and would request the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of an international convention on the illicit traffic in children. The Secretary-General would also be requested to consider ways of elaborating a programme of action aimed at promoting the effective use and application of relevant United Nations instruments in the field of juvenile justice.

In the same draft resolution, the Council, considering the issue of elimination of violence against women, would urge the Commission to consider this topic within its priority themes and would request the Secretary-General to prepare a draft plan of action to address this issue by means of, inter alia, legislative action, research and evaluation, technical cooperation, training and exchange of information.

In draft resolution II, on guidelines for the prevention of urban crime, the Council would adopt these guidelines and would exhort Member States to report to the Secretary-General on their experiences in elaborating and evaluating projects dealing with urban crime prevention.

In draft resolution III, on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries, the Council would condemn once again the practice of smuggling illegal migrants in violation of international standards and national law, and without regard to the safety, well-being and human rights of the migrants, and would acknowledge the substantial and harmful role played by organized transnational crime in illegal migrant smuggling activities in many parts of the world.

In draft resolution IV, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, the Council would request the Commission to ensure and monitor full implementation of the Naples Political Declaration and Global Action Plan. The Council would request the Secretary-General to initiate the process of requesting the views of Governments on the opportunity and impact of international instruments such as a convention or conventions against organized transnational crime, and on the issues and elements that could be covered therein, and to collect and analyse information on the structure and dynamics of organized transnational crime and on the responses of States to that problem. In addition, the Council would request the Secretary-General to submit to Member States a proposal on the creation of a central repository for existing legislative and regulatory measures and information on organizational structures designed to combat organized transnational crime.

In draft resolution V, on the establishment of a clearing-house for international projects in the field of crime prevention and criminal justice, the Council would request the Secretary-General to initiate a project to establish a regional database on international training and technical assistance projects in the field of crime prevention and criminal justice which would provide interested Governments, international organizations and other entities with information on concluded, ongoing or planned international projects in consultation and cooperation with the European Institute for Crime Prevention and Control, affiliated with the United Nations, and would invite Member States, international organizations and other entities engaged in collaborative training and technical assistance projects in central and eastern Europe in the field of crime prevention and criminal justice to provide information thereon to the Secretary-General for a regional clearing-house.

In draft resolution VI, on United Nations standards and norms in crime prevention and criminal justice, the Council would reaffirm the importance of these standards, norms and guidelines, would request the Secretary-General to develop questionnaires on United Nations standards and norms in juvenile justice and would recognize the importance of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice.

In draft resolution VII, on action against corruption, the Council would urge States, as necessary, to develop and implement specific and comprehensive anti-corruption strategies and to increase their capacity for the prevention, detection, investigation and prosecution of corrupt practices. The Council would also take note of the draft international code for public office holders and would request the Secretary-General to continue his consultations with Governments to further revise the text, to be submitted to the Commission at its fifth session for consideration and action.

In draft resolution VIII, on technical cooperation and interregional advisory services in crime prevention and criminal justice, the Council would welcome the call of the Ninth Congress for intensified efforts to strengthen the rule of law by means of international cooperation and practical technical assistance. The Council would reaffirm the high priority attached to technical cooperation and advisory services within the United Nations crime prevention and criminal justice programme. In addition, the Council would stress the importance of continuing to strengthen the operational activities of the programme, particularly in developing countries and countries in transition, in order to meet the needs of Member States for support in crime prevention and criminal justice, by undertaking advisory services and training programmes and by carrying out field studies and action-oriented research at the regional, subregional, national and local levels. The Council would call upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical cooperation activities devoted to crime prevention and criminal justice. In addition, the Council would reiterate its appreciation for the provision of services of two interregional advisers for crime prevention and criminal justice and would strongly recommend to the Secretary-General that the interregional advisory services should be further strengthened.

In its resolution 4/1, on succession of States in respect of international treaties on combating various manifestations of crime, the Commission recognized the need to intensify and coordinate efforts against the most dangerous manifestations of crime in order to ensure concerted global action. In addition, the Commission noted that the confirmation by successor States to appropriate depositories that they would continue to fulfil obligations of their predecessor States under international treaties on combating various manifestations of crime was important for successful action by the international community against the evils of crime.

In its resolution 4/2, on the proposal for the development of minimum rules for the administration of criminal justice, the Commission requested the Secretary-General to seek more comments from States on the advisability and on the specific content of the draft minimum rules.

In its resolution 4/3, on the provision of information in accordance with the plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme, the Commission recalled the plan for strategic management, contained in its resolution 1/1, annex, and decided that, in implementing that resolution at its fifth and subsequent sessions, the type of information set out in the annex to its resolution 4/3 would be useful in its consideration of draft resolutions. The Commission also decided that it should examine the information provided prior to taking action on a proposed activity and that if the proposed activity is subsequently implemented, the Secretariat should report annually on the progress made in implementing that activity.

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A. Draft resolution to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council, in accordance with General Assembly resolution 49/157 of 23 December 1994, the approval of the following draft resolution for adoption by the General Assembly:

DRAFT RESOLUTION

Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on the prevention of crime and the treatment of offenders, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in this field by facilitating the exchange of views and experiences, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recalling its resolution 46/152 of 18 December 1991, in the annex to which Member States affirmed that the United Nations congresses on the prevention of crime and the treatment of offenders should be held every five years and should provide a forum for, inter alia, the exchange of views between States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines, the exchange of experiences in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice,

Bearing in mind the theme for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was "Less crime, more justice: security for all", and the importance of achieving this goal at the national and international levels,

Deeply concerned about the rising levels of crime in many parts of the world, particularly transnational organized crime and its negative effects on socio-economic development, political stability and the internal and external security of States, as well as on the well-being of people,

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*For the discussion, see chap. II.

Convinced that the United Nations crime prevention and criminal justice programme has a significant role to play in enhancing regional and interregional cooperation in crime prevention and criminal justice in order to achieve further progress in this area, including the mobilization and coordination of efforts by Member States to combat crime in all its forms and to ensure greater justice,

Recalling its resolution 49/157 of 23 December 1994, in which it requested the Commission on Crime Prevention and Criminal Justice to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, with a view to recommending appropriate follow-up, through the Economic and Social Council, by the General Assembly at its fiftieth session,

Having considered the report of the Ninth Congress[1] and the related recommendations made by the Commission on Crime Prevention and Criminal Justice at its fourth session,

1. Expresses its satisfaction with the results achieved by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;

2. Expresses its profound gratitude to the Government and people of Egypt for the generous hospitality extended to the participants of the Ninth Congress and for the efficient facilities, staff and services placed at the participants' disposal;

3. Takes note with appreciation of the report of the Ninth Congress, which contains the results of the Ninth Congress, including the recommendations and suggestions made in the workshops, in the special plenary meeting on experiences in and practical measures aimed at combating corruption involving public officials and in the special plenary meeting on technical cooperation projects;

4. Endorses the resolutions adopted by the Ninth Congress, as approved by the Commission on Crime Prevention and Criminal Justice, and also endorses the recommendations made by the Commission, at its fourth session, and by the Economic and Social Council, at its substantive session of 1995, on the implementation of the resolutions and recommendations of the Ninth Congress, as contained in Economic and Social Council resolution ...;

5. Invites Governments to be guided by the results of the Ninth Congress in formulating legislation and policy directives and to make all efforts to implement the principles contained therein, in accordance with the economic, social, legal, cultural and political circumstances of each country;

6. Requests the Secretary-General to pay particular attention to the operational aspects of the follow-up to the Ninth Congress in order to assist interested States in strengthening the rule of law by reinforcing their national machinery, promoting human resource development, undertaking joint training activities and executing pilot and demonstration projects, and urges the Department for Development Support and Management Services of the Secretariat, the United Nations Development Programme, the World Bank, and other funding agencies to continue to provide financial support and assistance within the framework of their technical cooperation programmes;

7. Urges all entities of the United Nations system, including the regional commissions, and the regional institutes for the prevention of crime and the treatment of offenders and the relevant intergovernmental and non-governmental organizations to become actively involved in the implementation of the resolutions and recommendations of the Ninth Congress, paying particular attention to the needs and priorities identified by Member States;

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[1] A/CONF.169/16.

8. Expresses its appreciation to those Member States, institutes and intergovernmental and non-governmental organizations that have provided human and financial resources, particularly on the occasion of the Ninth Congress, and invites Governments to lend their support to the United Nations crime prevention and criminal justice programme and to increase their financial contributions to the United Nations Crime Prevention and Criminal Justice Fund;

9. Requests the Secretary-General to circulate the report of the Ninth Congress to Member States and intergovernmental and non-governmental organizations in order to ensure that it is disseminated as widely as possible and to conduct appropriate public information activities in this field;

10. Also requests the Secretary-General to submit to the General Assembly, at its fifty-first session, a report on the measures taken to implement the present resolution;

11. Decides to include in the provisional agenda for its fifty-first session an item entitled "Crime prevention and criminal justice".

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The Economic and Social Council,

Recalling its resolutions 1992/24 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994, on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also General Assembly resolution 49/157 of 23 December 1994, in which the Assembly requested the Commission on Crime Prevention and Criminal Justice to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, with a view to recommending appropriate follow-up, through the Economic and Social Council, by the General Assembly at its fiftieth session,

Determined to give effect to the resolutions and recommendations of the Ninth Congress, taking into account the guidance provided by the Commission on Crime Prevention and Criminal Justice at its fourth session,

Taking note of the report of the Ninth Congress,[1] considered by the Commission on Crime Prevention and Criminal Justice at its fourth session,

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*For the discussion, see chap. II.

1. Invites Governments, in their efforts to combat crime and ensure justice, to draw on the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;

2. Approves the follow-up of the resolutions and recommendations concerning the topics of the Ninth Congress, as contained in the present resolution, and requests the Secretary-General to implement them in accordance with work plans of implementation and with the rules and regulations of the United Nations, including financial and programme planning rules and regulations, in the context of the priority themes determined by the Council in its resolution 1992/22, section VI, of 30 July 1992.

I. INTERNATIONAL COOPERATION AND PRACTICAL TECHNICAL ASSISTANCE FOR STRENGTHENING THE RULE OF LAW: PROMOTING THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

1. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical cooperation activities devoted to strengthening the rule of law, in cooperation with the United Nations crime prevention and criminal justice programme, in order to ensure proper coordination; (and requests the Secretary-General to undertake vigorous fund-raising activities, also in accordance with Economic and Social Council resolution 1992/22);

2. Encourages the Secretary-General, as a way of strengthening the rule of law, to include upon request the re-establishment and reform of criminal justice systems in peace-keeping operations;

3. Requests the Secretary-General to further strengthen operational activities in developing countries and countries in transition, by providing advisory services and training programmes and by carrying out field studies at the national level, also drawing on extrabudgetary resources;

4. Calls upon all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations in developing manuals and training curricula and in organizing courses in the various areas of crime prevention and criminal justice;

A. International cooperation in criminal matters, including extradition

5. Requests the Secretary-General to convene, utilizing extrabudgetary funds already offered for this purpose, and in accordance with the principle of equitable geographical distribution, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters, as well as for the development of model legislation on extradition and related forms of international cooperation in criminal matters;

6. Recommends that the expert group should, in the light of the discussion of the workshop at the Ninth Congress, explore ways and means of increasing the efficiency of extradition and related mechanisms of international cooperation in criminal matters, having due regard to the rule of law and the protection of human rights, including, where appropriate, such measures as:

(a) The provision of technical assistance in the development of bilateral and multilateral agreements based on the United Nations model treaties and other sources;

(b) The drafting of model legislation or agreements on international cooperation in criminal matters, alternative or complementary articles for existing model treaties, and articles for possible model multilateral instruments;

7. Recommends that a report on the implementation of paragraph 5 above should be submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

B. Establishment of a regional centre for training and research in crime prevention and criminal justice for the Mediterranean States

8. Decides to establish an open-ended intergovernmental working group within the framework of the Commission on Crime Prevention and Criminal Justice which would meet during the first and second days of the fifth session of the Commission with the aim of studying, with the assistance of the Secretary-General, the proposal for the establishment of a regional centre, to be based at Cairo, for training and research in crime prevention and criminal justice for the Mediterranean States, taking into consideration, inter alia, Economic and Social Council resolution 1994/23 of 25 July 1994, entitled "Criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice", and that the working group should report to the Commission at its fifth session and that the working group can invite other relevant entities or seek views from them, as appropriate.

II. ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

1. Requests the Commission on Crime Prevention and Criminal Justice to consider measures on the prevention and suppression of illicit trafficking in motor vehicles and requests the Secretary-General to seek the views of Governments and relevant organizations on this matter and to report to the Commission at its sixth session;

2. Also requests the Commission on Crime Prevention and Criminal Justice, in its review of priority themes, to continue placing special emphasis on the development of strategies for the effective prevention and control of organized transnational crime;

3. Calls upon the Secretary-General, as well as the United Nations Interregional Crime and Justice Research Institute and the regional institutes for the prevention of crime and the treatment of offenders, to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment, with an emphasis on:

(a) Needs assessment and advisory services;

(b) Assistance in the review or redrafting of legislation and the development of effective infrastructure;

(c) Training of criminal justice and regulatory agency personnel;

4. Requests the Secretary-General to consider the feasibility of establishing an integrated system for the periodic gathering and dissemination of information on national legislation in crime prevention and criminal justice and its implementation, taking into account the present and planned capabilities of the United Nations Crime and Justice Information Network and the activities of other United Nations entities and relevant intergovernmental organizations, invites Member States to cooperate in this regard, with a view to encouraging progressive alignment regarding, inter alia, international cooperation, extradition and other bilateral and multilateral modalities of mutual assistance in criminal matters, and requests the

Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its fifth session;

5. Also requests the Secretary-General to continue studying the actual situation of organized transnational crime and effective measures for its control;

6. Further requests the Secretary-General to assist Member States, upon request, in adjusting their national legislation with a view to making the investigation, prosecution and adjudication of organized transnational crime more effective;

7. Further requests the Secretary-General to ensure close coordination between the Crime Prevention and Criminal Justice Branch of the Secretariat and other United Nations entities, in particular, inter alia, the United Nations International Drug Control Programme, the Centre for Human Rights of the Secretariat, the United Nations Environment Programme and the United Nations Development Programme, including the sponsorship of joint activities, and to encourage further cooperation with the International Criminal Police Organization and other international and intergovernmental bodies concerned, through joint programmes and projects;

Links between transnational organized crime and terrorist crimes

8. Calls upon institutes and centres for crime prevention and criminal justice to devote the required attention to studying the links between transnational organized crime and terrorist crimes, their effects and appropriate means for countering them;

9. Requests the competent United Nations bodies to collect information on the links between transnational organized crime and terrorist crimes, to coordinate their activities and to facilitate the access of States to such information;

10. Decides that an open-ended intergovernmental working group be established, within the framework of the Commission, to consider, at the fifth session of the Commission, the views of Member States to be sought by the Secretary-General in the implementation of Ninth Congress resolution 3, paragraph 1, and to consider measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between organized crime and terrorist crimes, and that the working group should report to the Commission at its fifth session;

11. Recommends that the Commission should consider including on the agenda for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders an item entitled "The links between transnational organized crime and terrorist crimes".

III. CRIMINAL JUSTICE AND POLICE SYSTEMS: MANAGEMENT AND IMPROVEMENT OF POLICE AND OTHER LAW ENFORCEMENT AGENCIES, PROSECUTION, COURTS AND CORRECTIONS; AND THE ROLE OF LAWYERS

1. Requests the Secretary-General to promote technical cooperation projects on penal law reform and on the modernization of criminal justice administration, particularly in the fields of data collection and computerization, the training of law enforcement officials, the promotion of non-custodial measures and prisoners' welfare, taking into account United Nations standards and norms such as the United Nations

Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),[2] the Basic Principles for the Treatment of Prisoners[3] and the WHO Guidelines on HIV Infection and AIDS in Prisons;[4]

2. Also requests the Secretary-General to play an active role in urging developed countries to provide support by supplying and maintaining technical aid for law enforcement agencies in developing countries;

3. Further requests the Secretary-General to expedite the dissemination of the Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),[5] which was published pursuant to General Assembly resolution 45/110 of 14 December 1990, and welcomes the support of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the International Penal and Penitentiary Foundation and the Asia Crime Prevention Foundation in its preparation;

A. Prison conditions

4. Invites the Commission on Crime Prevention and Criminal Justice to keep the matter of prison conditions under regular review and, in particular, recommends that the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice should discuss, at the fifth session of the Commission, the establishment of efficient information-gathering mechanisms to that end, taking into account the forthcoming results of the United Nations survey on the use and application of the Standard Minimum Rules for the Treatment of Prisoners,[6] which were approved by the Economic and Social Council in its resolution 663 (XXIV) C of 31 July 1957.

5. Invites the Secretary-General, drawing upon extrabudgetary resources, to distribute the manual entitled Making Standards Work, prepared by Penal Reform International, among Member States for their use and consideration and to seek their advice with a view to preparing a subsequent version of the manual, for further consideration by the Commission;

B. Information network and databases

6. Requests the Commission on Crime Prevention and Criminal Justice to review the membership and databases of the United Nations Crime and Justice Information Network, with a view to increasing the participation in the Network of Member States, relevant intergovernmental and non-governmental organizations and academic and other research institutions;

7. Requests the Secretary-General to seek the contributions of Member States in order to prepare, in cooperation with the institutes comprising the United Nations crime prevention and criminal justice programme network, for the consideration of the Commission at its fifth session, a draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the

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[2] General Assembly resolution 45/110, annex.

[3] General Assembly resolution 45/111, annex.

[4] WHO/GPA/DIR/93.3.

[5] ST/CSDHA/22.

[6] First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

management of the criminal justice system, commensurate with the priorities of the United Nations crime prevention and criminal justice programme;

8. Also requests the Secretary-General to include in the above-mentioned initiative recommendations for improving the management and information functions of the Crime Prevention and Criminal Justice Branch and other elements of institutes comprising the United Nations crime prevention and criminal justice programme network to reflect the resolve of the international community to pursue the programme priorities determined in accordance with the statement of principles and programme of action of the programme, annexed to General Assembly resolution 46/152 of 18 December 1991, and taking into account the proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme, contained in the report of the Secretary-General;[7]

9. Requests the Commission on Crime Prevention and Criminal Justice to consider the utilization of experts of interested Member States to advise the Secretary-General on technical cooperation projects related to paragraph 7 above, including their funding by the public and private sectors;

10. Requests the Commission on Crime Prevention and Criminal Justice and the Secretary-General, when implementing the above-mentioned recommendations, to take account of work already being carried out in the United Nations and other international organizations, such as the Council of Europe, in comparing national crime and criminal justice databases.

IV. CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIMES IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

1. Recommends that the Commission on Crime Prevention and Criminal Justice should consider the possible impact of migratory flows on urban criminality;

2. Urges Member States to give attention to public awareness and to promote the role of information in crime prevention and requests the Secretary-General, in collaboration with specialized research centres and experts, to prepare a manual for public awareness campaigns, to be used to guide States in formulating national public awareness programmes;

3. Approves the guidelines for cooperation and technical assistance in the field of urban crime prevention, which were finalized by the Commission on Crime Prevention and Criminal Justice at its fourth session;

4. Requests the Secretary-General, within existing resources:

(a) To continue studying the effects of criminality in urban areas, the factors contributing to it and measures for its effective prevention, taking into consideration recent developments in, inter alia, sociology, child and adolescent psychology, health, criminology and technology, including environmentally sound planning, city planning and housing design;

(b) To organize seminars and training programmes to search for ways and means to prevent crime in urban and other areas;

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[7] E/CN.15/1995/6/Add.1.

(c) To promote technical cooperation projects on the improvement of juvenile justice systems, taking into account the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[8] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[9] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;[10]

5. Calls upon Member States, in cooperation with the institutes comprising the United Nations crime prevention and criminal justice programme network and other relevant bodies, to develop tried and tested crime prevention strategies that are capable of being adapted to local conditions, with particular reference to those presented at the workshops on urban policies and crime prevention, prevention of violent crime, and mass media and crime prevention held at the Ninth Congress;

A. Firearms regulation for purposes of crime prevention and public safety

6. Requests the Commission on Crime Prevention and Criminal Justice, at its fifth session, to consider, under a separate agenda item, the measures to regulate firearms commonly applicable in Member States, such as the prevention of transnational illicit trafficking in firearms, with a view to suppressing the use of firearms in criminal activities, taking into account the urgent need for effective strategies to ensure the proper regulation of firearms at both national and transnational levels;

7. Requests the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental and other organizations, especially the International Criminal Police Organization, active in the field of firearms regulation, inter alia, by regularly exchanging data and other information, in accordance with specific circumstances of Member States, on, among other things, the following topics:

(a) Criminal cases, accidents and suicides in which firearms are involved, including the number of such cases and the number of victims involved, and the status of firearms regulation by the law enforcement authorities;

(b) The situation with regard to transnational illicit trafficking in firearms;

(c) National legislation and regulations relevant to firearms regulation;

(d) Relevant initiatives for firearms regulation at the regional and interregional levels;

8. Also requests the Secretary-General to initiate a study on, inter alia, the topics listed in paragraph 7 above, in order to provide the Commission on Crime Prevention and Criminal Justice at its fifth session with a basis for its consideration of measures to regulate firearms;

9. Endorses the work plan presented by the representative of the Secretary-General, as contained in paragraph 19, chap. II, of the report of the Commission on its fourth session, to implement Ninth Congress resolution 9;

10. Requests the Secretary-General to collect information and consult with Member States on the implementation of the national measures outlined in Ninth Congress resolution 9, paragraphs 7 to 10;

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[8] General Assembly resolution 40/33, annex.

[9] General Assembly resolution 45/112, annex.

[10] General Assembly resolution 45/113, annex.

11. Invites all United Nations organs, bodies and specialized agencies and intergovernmental and other organizations active in the field of firearms regulation to provide the Secretary-General with views and proposals on their possible contributions towards the full implementation of Ninth Congress resolution 9;

12. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its fifth session, on the implementation of Ninth Congress resolution 9, as well as the paragraphs above, and to submit to it recommendations for further concerted action at the national and transnational levels, including the possibility of seeking views of Member States on the preparation of a declaration;

B. Children as victims and perpetrators of crime: effective application of United Nations standards and norms in juvenile justice

13. Decides that the elimination of violence against children should be considered within the priority theme "Crime prevention in urban areas, juvenile and violent criminality" of the United Nations crime prevention and criminal justice programme in the biennium 1996-1997;

14. Calls upon the regional commissions of the Economic and Social Council, the institutes comprising the United Nations crime prevention and criminal justice programme network and other relevant entities to cooperate closely with each other in planning and implementing joint activities in the area of juvenile justice;

15. Recommends that Strategies for Confronting Domestic Violence: a Resource Manual,[11] which is based on a draft prepared by the Government of Canada, in cooperation with the Crime Prevention and Criminal Justice Branch and the European Institute for Crime Prevention and Control, affiliated with the United Nations, and currently available in English only, should be published in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

16. Decides to integrate United Nations standards and norms in juvenile justice into the current process of information-gathering;

17. Requests the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of an international convention on the illicit traffic in children, which may embody necessary elements to efficiently combat this form of transnational organized crime;

18. Also requests the Secretary-General, subject to the availability of extrabudgetary funding, to organize a meeting of an expert group on the prevention of the sexual exploitation of children for commercial purposes within the context of international travel (sex tourism);

19. Further requests the Secretary-General to enhance inter-agency cooperation within the United Nations system in connection with the elimination of violence against children and the administration of justice with regard to children by, inter alia, using existing meeting possibilities, both at headquarters and at the regional and national levels, including the Crime Prevention and Criminal Justice Branch, the Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as the Committee on the Rights of the Child and the Special Rapporteurs of the Commission on Human Rights concerned by this issue, with a view, in particular, to avoiding duplication and overlapping of activities;

20. Further requests the Secretary-General to continue including in the various advisory services and technical assistance programmes specific arrangements for technical assistance in the field of criminal justice

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[11] ST/CSDHA/20.

and the administration of justice, with regard to children; such assistance may include technical advice in law and criminal justice reform, including the promotion of alternative measures, such as alternatives to custody, diversionary programmes, alternative dispute resolution, restitution, family conferences and community services;

21. Recommends that technical cooperation programmes in the field of administration of justice with regard to children should entail appropriate evaluation and follow-up procedures and that the United Nations Children's Fund, other relevant United Nations bodies, institutes comprising the United Nations crime prevention and criminal justice programme network, national institutions and non-governmental organizations should be involved as appropriate;

22. Invites the Committee on the Rights of the Child, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Working Group on Arbitrary Detention of the Commission on Human Rights to identify, in their reports, issues of particular concern with regard to the protection of children and juveniles in detention for their consideration under programmes of technical cooperation;

23. Requests the Secretary-General to include in his reports on technical assistance programmes and advisory services in the field of criminal justice and the administration of justice the following aspects:

(a) Existing possibilities for including specific needs of children and juveniles into concrete projects undertaken under those programmes;

(b) Existing arrangements for the coordination of those programmes;

(c) Current evaluation and follow-up procedures in that regard;

(d) The scope for including projects for the promotion of alternative measures, such as alternatives to custody, diversionary programmes, alternative dispute resolution, restitution, family conferences and community services, under those programmes;

(e) Possibilities for further strengthening United Nations action in this field through enhanced technical cooperation programmes;

24. Invites the Secretary-General, taking into account the conclusions of the report referred to in the preceding paragraph, to consider ways of elaborating a programme of action aimed at promoting the effective use and application of relevant United Nations human rights instruments in the administration of justice with regard to children and of United Nations standards and norms in juvenile justice, giving due regard to the work accomplished by the Commission on Human Rights and in cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and other agencies and organizations concerned, within existing resources;

25. Requests the Secretary-General to submit a report on the implementation of these recommendations to the Commission on Crime Prevention and Criminal Justice at its fifth session, including in particular that contained in paragraph 24 above, and decides that the open-ended in-sessional working group of the Commission, at its fifth session, should seek ways to develop and undertake practical activities, including training, research and advisory services, to achieve the goal of preventing and eradicating violence against children;

C. Elimination of violence against women

26. Requests the Secretary-General to forward Ninth Congress resolution 8, on the elimination of violence against women, to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing from 4 to 15 September 1995;

27. Urges the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within its priority themes and within the training and technical assistance efforts of the United Nations crime prevention and criminal justice programme;

28. Requests the Secretary-General to seek the contributions of interested Member States, institutes comprising the United Nations crime prevention and criminal justice programme network, and intergovernmental and non-governmental organizations, in order to prepare a draft plan of action, in the context of crime prevention and criminal justice, on the elimination of violence against women that will provide practical and action-oriented suggestions on how to address this issue by means of, inter alia, legislative action, research and evaluation, technical cooperation, training and exchange of information;

29. Also requests the Secretary-General to seek the views of Member States, institutes comprising the United Nations crime prevention and criminal justice programme network, and intergovernmental and non-governmental organizations on the draft plan of action and, taking into account the views received and the outcome of the Fourth World Conference on Women, to submit the draft plan of action, as well as a report on the views received, to the Commission at its fifth session so that it may be discussed by the open-ended in-sessional working group of the Commission;

30. Urges the Commission on Crime Prevention and Criminal Justice to cooperate closely on the issue of the elimination of violence against women with other United Nations bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Sub-commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on violence against women, its causes and its consequences, as well as with relevant experts and non-governmental organizations, as appropriate;

31. Invites the institutes in the United Nations crime prevention and criminal justice programme network to promote and undertake practical activities to eliminate violence against women, including the provision of training and advisory services, to develop proposals on other measures that could be taken in the field of crime prevention and criminal justice to eliminate violence against women and to submit a report on those issues to the Commission on Crime Prevention and Criminal Justice at its fifth session;

D. Victims of crime

32. Requests the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.[12]

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[12] General Assembly resolution 40/34, annex.

DRAFT RESOLUTION II

Guidelines for the prevention of urban crime*

The Economic and Social Council,

Recalling its resolutions 1979/20 of 9 May 1979, 1984/48 of 25 May 1984, 1990/24 of 24 May 1990 and 1993/27 of 27 July 1993 and General Assembly resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991,

Recalling also its resolutions 1992/22 of 30 July 1992 and 1993/34 of 27 July 1993,

Recalling further its resolution 1994/20 of 25 July 1994, as well as resolution 1, section IV, of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[13] in which the Ninth Congress invited the Commission on Crime Prevention and Criminal Justice, at its fourth session, to finalize and adopt the proposed guidelines for cooperation and technical assistance in the field of urban crime prevention, contained in the annex to resolution 1994/20,

Recalling further the Milan Plan of Action,[14] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[8] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines),[9] the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),[2] the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[12] and the resolution entitled "Prevention of urban crime" adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[15]

Aware of the universal character of urban crime,

Recognizing the usefulness of establishing guidelines to facilitate the prevention of urban crime,

Seeking to respond to the call by many States for technical cooperation programmes adapted to local conditions and needs,

1. Adopts the guidelines for cooperation and technical assistance in the field of urban crime prevention, annexed to the present resolution, which were considered by the Commission on Crime Prevention and Criminal Justice at its second, third and fourth sessions and by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, and which are designed to make urban crime prevention more effective;

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*For the discussion, see chap. III.

[13] A/CONF.169/16, chap. I.

[14] Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

[15] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

2. Requests the Commission on Crime Prevention and Criminal Justice to ensure the publication of the guidelines in the most appropriate form;

3. Exhorts Member States to report to the Secretary-General on their experiences in elaborating and evaluating projects dealing with urban crime prevention, taking into account the guidelines;

4. Invites the interregional, regional and affiliated institutes cooperating with the United Nations in the field of crime prevention and criminal justice and non-governmental organizations to share their experiences in urban crime prevention;

5. Requests the Secretary-General to transmit the guidelines to the United Nations Conference on Human Settlements (Habitat II), to be held at Istanbul from 3 to 14 June 1996;

6. Requests the Commission on Crime Prevention and Criminal Justice to consider practical ways of ensuring follow up on the use and application of the guidelines;

7. Calls upon the United Nations Development Programme, other relevant United Nations organizations and bodies, and international financial institutions to give appropriate consideration to the inclusion in their assistance programmes of projects dealing with urban crime prevention.

Annex

GUIDELINES FOR COOPERATION AND TECHNICAL ASSISTANCE IN THE FIELD OF URBAN CRIME PREVENTION

A. Design and implementation of cooperation and assistance activities

1. Cooperation projects for urban crime prevention should take account of the principles set out below.

1. Local approach to problems

2. Urban crime is characterized by a multiplicity of factors and forms. A multi-agency approach and a coordinated response at the local level, in accordance with an integrated crime prevention action plan, will often be helpful. This should involve:

(a) A local diagnostic survey of crime phenomena, their characteristics, factors leading to them, the form they take and their extent;

(b) The identification of all the relevant actors that could take part in compiling the above-mentioned diagnostic survey in crime prevention as well as in the fight against crime, for example public institutions (national or local), local elected officials, the private sector (associations, enterprises), the voluntary sector, community representatives etc.;

(c) The establishment, wherever appropriate, of consultation mechanisms promoting closer liaison, the exchange of information, joint work and the design of a coherent strategy;

(d) The elaboration of possible solutions to these problems in the local context.

2. Integrated crime prevention action plan

3. The authors of an integrated crime prevention action plan, in order for it to be comprehensive and efficient, should:

(a) Define:

  (i) The nature and types of crime problems to be tackled, such as theft, robbery, burglary, racial attacks, drug-related crimes, juvenile delinquency and illegal possession of firearms, taking into account all the factors that may directly or indirectly cause such problems or contribute to them;

  (ii) The objectives being pursued and the time by which they should be attained;

  (iii) The action envisaged and the respective responsibilities of those involved vis-à-vis the implementation of the plan (for example, whether local or national resources are to be mobilized);

(b) Consider involving a range of actors representing in particular:

  (i) Social workers, education, housing and health workers, in addition to the police, the courts, public prosecutors and probation services etc.;

  (ii) The community: elected officials, associations, volunteers, parents, victims' organizations etc.;

  (iii) The economic sector: enterprises, banks, business, public transport etc.;

  (iv) The media;

(c) Consider the relevance to the crime prevention action plan of such factors as:

  (i) Relationships in the family, between generations or between social groups etc.;

  (ii) Education, religious, moral and civic values, culture etc.;

  (iii) Employment, training, measures for combating unemployment and poverty;

  (iv) Housing and urbanism;

  (v) Health, drug and alcohol abuse;

  (vi) Government and community welfare aid for the least fortunate members of society;

  (vii) Combating the culture of violence and intolerance;

(d) Consider providing for action at various levels:

  (i) Primary prevention:

    a. By promoting situational criminal prevention measures, such as target hardening and opportunity reduction;

b. By promoting welfare and health development and progress and by combating all forms of social deprivation;

c. By promoting communal values and respect for fundamental human rights;

d. By promoting civic responsibility and social mediation procedures;

e. By facilitating the adaptation of the working methods of the police and the courts;

(ii) Prevention of recidivism:

a. By facilitating the adaptation of methods of police intervention (rapid response, intervention within the local community etc.);

b. By facilitating the adaptation of methods of judicial intervention and implementation of alternative remedies:

i. Diversification of methods of treatment and of measures taken according to the nature and seriousness of the cases (diversionary schemes, mediation, a special system for minors etc.);

ii. Systematic research on the reintegration of offenders involved in urban crime through the implementation of non-custodial measures;

iii. Socio-educational support within the framework of the sentence, in prison and as preparation for release from prison;

c. By giving an active role to the community in the rehabilitation of offenders;

(iii) After the sentence has been served: aid and socio-educational support, family support etc.;

(iv) Protection of victims by practical improvements in their treatment by means of the following:

a. Raising awareness of rights and how to exercise them effectively;

b. Reinforcing rights (in particular the right to compensation);

c. Introducing systems of victim assistance.

B. Implementation of the action plan

1. Central authorities

4. The central authorities, to the extent consistent with their competence, should:

(a) Provide active support, assistance and encouragement to local actors;

(b) Coordinate national policy and strategies with local strategies and needs;

(c) Organize consultation and cooperation mechanisms between the various administrations concerned at the central level.

2. Authorities at all levels

5. Competent authorities at all levels should:

(a) Be constantly mindful of respect for the fundamental principles of human rights in promoting these activities;

(b) Encourage and/or implement appropriate training and information to support all professionals involved in crime prevention;

(c) Compare experiences and organize exchanges of know-how;

(d) Provide a means of evaluating regularly the effectiveness of the strategy implemented and provide for the possibility of revising it.

DRAFT RESOLUTION III

Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries*

The Economic and Social Council,

Recalling that the General Assembly, in its resolution 48/102 of 20 December 1993, requested the Commission on Crime Prevention and Criminal Justice at its third session to consider giving special attention to the question of the smuggling of migrants, in order to encourage international cooperation to address that problem within the framework of its mandate,

Recalling also its resolution 1994/14, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its third session, in which it, inter alia, condemned the practice of smuggling illegal migrants, recognized that such smuggling was a widespread criminal activity frequently involving highly organized international syndicates, acknowledged the substantial role played by organized transnational crime in such smuggling and called upon all States to take effective and expeditious measures, such as the enactment or amendment of domestic criminal law, providing appropriate penalties to combat all aspects of organized crime activities constituting such smuggling,

Alarmed by the significant increase in activities of transnational criminal organizations that profit illicitly by smuggling illegal migrants and threatening the lives and human rights of migrants,

Concentrating its attention on crime prevention and criminal justice, in particular the activities of those who organize and facilitate the smuggling of illegal migrants,

Recognizing that organized international criminal groups are becoming increasingly active and successful in smuggling individuals across national boundaries,

Recognizing also that by trafficking in illegal migrants such criminal groups often make enormous profits that are frequently used to finance numerous other criminal activities, thus bringing great harm to the States concerned,

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*For the discussion, see chap. III.

Concerned that such activities endanger the lives of the individual migrants involved and entail severe costs for the international community, including the costs of rescue, medical care, food, housing and transportation,

Acknowledging that socio-economic factors influence the problem of illegal migrant smuggling and also contribute to the complexity of present international migration,

Aware that smugglers, particularly in the State of destination of the illegal migrants being smuggled, often force migrants into forms of debt bondage or servitude, commonly involving criminal activities, in order to pay for their passage,

Convinced of the need for all States to provide humane treatment and to protect fully the human rights of migrants,

Recognizing that such illegal smuggling activity has high social and economic costs, often contributing to official corruption, and burdens law enforcement agencies in all States where illegal migrants transit or are found,

Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956,[16] to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

Concerned that the smuggling of illegal migrants undermines public confidence in policies and procedures for lawful immigration and for ensuring the protection of genuine refugees,

Noting that the smuggling of illegal migrants can involve criminal activities in many States, including the State where the smuggling scheme was planned, the State of nationality of the migrants, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the migrants, States through which the migrants transit to their destination or in order to be repatriated, and the State of destination,

Commending those States that have enacted effective domestic legislation permitting seizure and forfeiture of all property, both real and personal, that is knowingly used in organized criminal activities aimed at smuggling illegal migrants, as well as all property, both real and personal, that constitutes, or is derived from, the proceeds of the smuggling, illegal transport, or labour of illegal migrants,

Gravely concerned that a significant number of States have not yet enacted domestic criminal legislation to combat all aspects of the smuggling of illegal migrants,

1. Condemns once again the practice of smuggling illegal migrants in violation of international standards and national law, and without regard to the safety, well-being and human rights of the migrants;

2. Recognizes that the smuggling of illegal migrants continues to be a widespread international criminal activity frequently involving highly organized international syndicates that traffic in human cargo,

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[16] United Nations, Treaty Series, vol. 266, No. 3822, p. 3.

without regard for the dangerous and inhumane conditions to which illegal migrants are subjected, and in flagrant violation of domestic laws and international standards;

3. Acknowledges the substantial and harmful role played by organized transnational crime in illegal migrant smuggling activities in many parts of the world;

4. Urges States to share information, to coordinate law enforcement activities between national authorities in cooperation with the competent international bodies and carriers engaged in international transport, and to otherwise cooperate, if their law permits, in order to trace and arrest those who organize the smuggling of illegal migrants and to prevent the illegal transport by smugglers of third-country nationals through their territory;

5. Calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of organized smuggling of illegal migrants, including by promoting technical assistance in order to assist countries, at their request, in developing and implementing policies to prevent and criminalize clandestine traffic in illegal migrants and to punish those who engage in organizing such activity;

6. Reaffirms the need to observe fully international and national law in dealing with the smuggling of illegal migrants, including the provision of humane treatment and strict observance of all human rights of migrants;

7. Reiterates that international efforts to prevent the smuggling of illegal migrants should not inhibit legal migration or freedom of travel, or undercut the protection provided by international law to refugees;

8. Encourages States to take prompt and effective preventive measures, such as increasing vigilance at coastal ports, airports and land borders, as well as enhancing professional skills of relevant personnel, to frustrate the objectives and activities of those who organize the smuggling of illegal migrants, thus protecting would-be migrants from exploitation and loss of life;

9. Calls upon all States that have not yet done so to take effective and expeditious measures such as the enactment or amendment if necessary of domestic criminal law, with a range of enforcement measures, providing appropriate penalties to combat all aspects of organized criminal activities constituting the smuggling and transport of illegal migrants, such as the production or distribution of false travel documents, money-laundering, extortion and misuse of international commercial aviation and maritime transport in violation of international standards;

10. Welcomes the report of the Secretary-General[17] and the note by the Secretariat[18] on measures taken by Member States and relevant specialized agencies and intergovernmental organizations to combat the smuggling of illegal migrants, which were prepared pursuant to General Assembly resolution 48/102;

11. Requests the Secretary-General to remind Member States that have not yet done so of the importance of responding to the notes verbales sent to all Member States on 10 February and 9 June 1994 concerning the criminal legislation that they have enacted and other measures that they have taken to combat the smuggling of illegal migrants and to submit to the Commission at its fifth session an updated report on

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[17] A/49/350 and Add.1.

[18] E/CN.15/1995/3.

measures to combat such smuggling, containing a compilation and an analysis of the responses of Member States;

12. Decides that the ever-growing problem of organized smuggling of illegal migrants across national borders requires the continuing scrutiny of the international community in general and should be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session in the context of the broader problem of organized transnational crime.

DRAFT RESOLUTION IV

Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime*

The Economic and Social Council,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime[19] and urged States to implement them as a matter of urgency,

Recalling also General Assembly resolutions 44/71 of 8 December 1989, 45/121 and 45/123 of 14 December 1990, 47/87 of 16 December 1992 and 48/103 of 20 December 1993 and its resolutions 1992/22 and 1992/23 of 30 July 1992, 1993/29 and 1993/30 of 27 July 1993 and 1994/12 and 1994/13 of 25 July 1994,

Recalling further General Assembly resolution 46/152 of 18 December 1991, in which the Assembly approved the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, contained in the annex to that resolution,

Emphasizing the need for strengthened and improved international cooperation at all levels and for more effective technical cooperation to assist States in their fight against organized transnational crime,

1. Takes note of the report of the Secretary-General[20] on proposals related to the programmatic aspects of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

2. Requests the Commission on Crime Prevention and Criminal Justice to ensure and monitor full implementation of the Naples Political Declaration and Global Action Plan;

3. Requests the Secretary-General to initiate the process of requesting the views of Governments on the opportunity and impact of international instruments such as a convention or conventions against organized transnational crime and on the issues and elements that could be covered therein, pursuant to the Naples Political Declaration and Global Action Plan;

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*For the discussion, see chap. III.

[19] A/49/748, annex, chap. I, sect. A.

[20] E/CN.15/1995/2.

4. Also requests the Secretary-General, for the purpose of assisting the international community in increasing its knowledge of criminal organizations and their dynamics, to collect and analyse information on the structure and dynamics of organized transnational crime and on the responses of States to this problem, building on the experience and expertise of States and drawing on contributions from Governments, which could include teamwork by highly qualified experts, relevant organizations and individuals, taking into account work already done in this area;

5. Decides that an open-ended intergovernmental working group should be established, within the framework of the Commission, at its fifth session, to consider the results of the work described in paragraph 4 above, and the views of Governments requested in paragraph 3 above, and to propose further action on the implementation of the Naples Political Declaration and Global Action Plan;

6. Requests the Secretary-General to submit to Member States for their consideration at the fifth session of the Commission a proposal on the creation of a central repository for existing legislative and regulatory measures and information on organizational structures designed to combat organized transnational crime, taking into account the capabilities of the United Nations Crime and Justice Information Network and the activities of other United Nations and relevant intergovernmental bodies, with a view to making this information available to requesting Member States;

7. Urges Member States, entities of the United Nations system and relevant intergovernmental and non-governmental organizations to assist the Secretary-General in implementing the request contained in paragraph 6 above, also by providing relevant information and legislative and regulatory texts;

8. Requests the Secretary-General as necessary to submit concrete proposals to the Commission for approval, in order to develop, building on the experience and expertise of States and drawing on contributions from relevant organizations, practical models and guidelines for substantive and procedural legislation, in order to assist, in particular, developing countries and countries in transition, upon request, in reviewing and evaluating their legislation and in planning and undertaking reforms, taking into account existing practices and cultural, legal and social traditions;

9. Also requests the Secretary-General to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity-building and training, as well as in the implementation of the Naples Political Declaration and Global Action Plan;

10. Further requests the Secretary-General to seek cooperation and to join efforts with other international, global and regional organizations and mechanisms that have played an active role in combating money-laundering in order to reinforce common regulatory and enforcement strategies in that area and to assist States, upon request, in assessing their needs in treaty development and the development of criminal justice infrastructure and human resources and to provide technical assistance and as necessary to compile, drawing upon the expertise of Member States, as well as of other relevant organizations, appropriate manuals, taking into account differences in legal systems, using the expertise and cooperation of all the institutes and other relevant entities of the United Nations crime prevention and criminal justice programme, including the International Scientific and Professional Advisory Council;

11. Further requests the Secretary-General to avail himself of the assistance of experts with extensive experience in the field of prevention and control of organized crime indicated by Member States, who might be called upon in connection with technical cooperation activities;

12. Welcomes with appreciation the preliminary report[21] of the meeting of the international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel and encourages the Government of Italy and the Governments of the other States members of the international task force to continue and finalize its work, in accordance with the resolution[22] adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, with a view to informing the General Assembly at its fiftieth session;

13. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution, including proposals for further action aimed at the full implementation of the Naples Political Declaration and Global Action Plan.

DRAFT RESOLUTION V

Establishment of a clearing-house for international projects in the field of crime prevention and criminal justice*

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly decided that the United Nations crime prevention and criminal justice programme should be devoted to providing States with practical assistance to achieve the goals of preventing crime and improving the response to crime,

Recalling also its resolution 1994/22 of 25 July 1994, in which it requested the Secretary-General to establish a database on technical assistance, integrating needs of Member States, particularly developing countries, as well as on existing collaborative arrangements and funding, taking into account regional concerns,

Recognizing the need for maximum efficiency and effective utilization of increasingly scarce developmental assistance at a time of growing difficulties in the prevention and control of crime,

Recognizing also that improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme requires a steady and concerted effort on the part of Member States and other entities including institutes cooperating within the programme to work more closely and effectively in advancing the electronic exchange of information, the computerization of the administration of criminal justice, and the collection and dissemination of crime and justice information,

Recognizing further that the improvement of the clearing-house capacity of the United Nations crime prevention and criminal justice programme requires continuous efforts to create and maintain databases on current crime and justice developments globally, regionally and subregionally, the information from which should be made available through the computerized United Nations Crime and Justice Information Network, as part of a broader clearing-house function carried out by that programme,

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[21] E/CN.15/1995/11.

[22] A/49/748, annex, chap. I, sect. B.

*For the discussion, see chap. IV.

Conscious that the present capacity of the Crime Prevention and Criminal Justice Branch of the Secretariat lags behind the growing need to provide timely information at the request of Member States and other interested parties, and that the management of the databases listed in the programme budget for the Branch requires a coordinated effort on the part of those parties,

Having considered the report of the Secretary-General[23] on proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme, prepared in response to resolution 3/3 of the Commission on Crime Prevention and Criminal Justice,

Noting that, in recent years, many international projects on crime prevention and criminal justice have targeted States in central and eastern Europe,

Fully aware that international cooperation is essential to successful efforts against international criminal activity,

Recognizing that there is no existing central repository with information on planned, ongoing or projected training and other projects in the field of crime prevention and criminal justice,

Taking note of the report of the Secretary-General on proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme, consolidating the approach to relevant crime and justice information activities which should further be intensified and be made operational,

Taking note also of the initiatives taken by the European Institute for Crime Prevention and Control, affiliated with the United Nations, in the areas of the present resolution,

1. Requests the Secretary-General, subject to the availability of extrabudgetary funds, to initiate a project to establish a regional database on international training and technical assistance projects in the field of crime prevention and criminal justice which, upon completion, would provide interested Governments, international organizations and other entities with information on concluded, ongoing or planned international projects in consultation and cooperation with the European Institute for Crime Prevention and Control, affiliated with the United Nations, which has offered to manage the database;

2. Invites all Member States, international organizations and other entities engaged in collaborative training and technical assistance projects in central and eastern Europe in the field of crime prevention and criminal justice to provide, to the extent of their ability, information to the Secretary-General for a regional clearing-house to facilitate the exchange of information to assist policy makers in all Member States in better allocating resources, identifying potential partners in cooperative projects and opportunities for collaborative action and improving support for an incremental approach to better prevent crime and ensure criminal justice, on the understanding that all information provided to the database may be restricted at the request of the provider;

3. Takes note of the form for providing information on technical assistance in the field of crime prevention and criminal justice, contained in annex II of the report of the Secretary-General[24] on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

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[23] E/CN.15/1995/6/Add.1.

[24] E/CN.15/1995/6.

4. Recommends that the Secretary-General should view the project as a pilot project aimed at demonstrating the utility of a regional database on crime prevention and criminal justice, with a view to considering additional regional databases, or a global database;

5. Requests the Secretary-General to present the results of the pilot project to the Commission on Crime Prevention and Criminal Justice at its fifth session.

DRAFT RESOLUTION VI

United Nations standards and norms in crime prevention and criminal justice*

The Economic and Social Council,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice,

Underlining the need for further coordination and concerted action in translating those standards and norms into practice,

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources,

Recalling also its resolution 1994/18 of 25 July 1994, in which it endorsed the questionnaires on the Standard Minimum Rules for the Treatment of Prisoners,[6] the Code of Conduct for Law Enforcement Officials,[25] including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[26] the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power[12] and the Basic Principles on the Independence of the Judiciary[27] and requested the Secretary-General to submit to the Commission at its fifth session a report on the replies to those questionnaires,

1. Notes that the Secretary-General has received a number of replies from Governments and other sources to the questionnaires on the use and application of United Nations standards and norms on crime prevention and criminal justice, pursuant to Economic and Social Council resolutions 1993/34, section III, and 1994/18;

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*For the discussion, see chap. V.

[25] General Assembly resolution 34/169, annex.

[26] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[27] Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

2. Urges Governments that have not yet replied to the questionnaires to submit their replies in time to be included in the report of the Secretary-General on the use and application of the United Nations standards and norms, pursuant to Economic and Social Council resolution 1994/18;

3. Requests the Secretary-General to develop questionnaires on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[8] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[9] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[10] to be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session, taking into account the results of the above-mentioned surveys, with a view to requesting the Secretary-General to submit a report on the replies to the Commission at a subsequent session, in accordance with Economic and Social Council resolution 1993/34, section III, paragraph 7 (c);

4. Decides that the Commission at its sixth session will consider the following United Nations standards, norms and guidelines in crime prevention and criminal justice with a view to requesting the Secretary-General to develop appropriate measures:

(a) The United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules);[2]

(b) The Guidelines on the Role of Prosecutors;[28]

(c) The Basic Principles on the Role of Lawyers;[29]

5. Requests the Secretary-General to ensure adequate time for consideration of the reports by the open-ended in-sessional working group of the Commission;

6. Invites the open-ended in-sessional working group of the Commission at its fifth session to undertake an overall review of the information-gathering system, pursuant to Economic and Social Council resolution 1993/34, section III, and to discuss ways of further improving that system;

7. Recognizes the importance of the publication of the English version of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice[30] and expresses its gratitude to the Government of the United Kingdom of Great Britain and Northern Ireland for its valuable contribution to the reprinting of that publication;

8. Expresses its appreciation of the valuable contribution of the Governments of China, France and the Russian Federation to the translation of the Compendium into other official languages of the United Nations;

9. Welcomes the publication of the Compendium in Portuguese by the Government of Portugal and encourages other Governments to publish it in the languages of their countries;

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[28] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

[29] Ibid., sect. B.3, annex.

[30] United Nations publication, Sales No. E.92.IV.1.

10. Requests the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice, inter alia, by providing advisory services and technical cooperation, when requested by Member States, by providing assistance to Member States in criminal justice and law reform and organizing seminars for training law enforcement and criminal justice personnel;

11. Also requests the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

12. Further requests the Secretary-General to encourage the coordination of activities related to the use and application of standards and norms between the Crime Prevention and Criminal Justice Branch of the Secretariat and other relevant United Nations entities, such as the United Nations International Drug Control Programme and the Office of the High Commissioner for Human Rights, so as to heighten their efficacy and avoid overlapping in the implementation of their programmes;

13. Expresses its appreciation to the United Nations network of institutes and intergovernmental and non-governmental organizations for their valuable contribution to the effective use and application of United Nations standards and norms in crime prevention and criminal justice.

DRAFT RESOLUTION VII

Action against corruption*

The Economic and Social Council,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links of corruption with other forms of crime, particularly organized crime, economic crime and money-laundering,

Convinced that since corruption is a phenomenon that can cross national borders and affect all societies and economies, international cooperation to prevent and control it is essential,

Deeply concerned about the problems faced by States in this regard,

Convinced of the need to provide technical assistance to developing countries and countries in transition designed to improve public management systems and enhance accountability and transparency,

Recalling the resolution entitled "Corruption in government", adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[31]

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*For the discussion, see chap. V.

[31] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.7.

Recalling also General Assembly resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991 and Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994,

Welcoming the results of the plenary meeting on experiences in and practical measures aimed at combating corruption involving public officials, held at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Urges States, as necessary, to develop and implement specific and comprehensive anti-corruption strategies to enhance accountability, by adopting and enforcing civil, administrative, fiscal and criminal law measures, emphasizing, inter alia, transparency and fairness, including legislation to regulate and sanction corrupt forms of corporate behaviour and provide for the forfeiture and/or confiscation of proceeds derived from corrupt practices;

2. Also urges States to increase their capacity for the prevention, detection, investigation and prosecution of corrupt practices, by promoting public awareness, by appropriately strengthening their criminal justice systems and by establishing, as appropriate, independent bodies for the prevention and control of corruption;

3. Further urges States to increase and improve international cooperation for the prevention and control of corruption, including the use of arrangements for extradition, mutual legal assistance, the sharing of information and the collection of evidence;

4. Takes note of the draft international code of conduct for public office holders, in its revised form, contained in the annex to the present resolution, and of the work done to date in revising the text on the basis of comments received from Governments and requests the Secretary-General to continue his consultations with Governments to further revise the text and to present it to the Commission on Crime Prevention and Criminal Justice at its fifth session for consideration and action;

5. Urges States to provide their comments to the Secretary-General in order to facilitate the further revision of the draft international code of conduct for public office holders;

6. Requests the Secretary-General to review and expand the manual on practical measures against corruption,[32] seeking contributions from other relevant international organizations, with a view to increasing its use, in advisory services, training and other technical assistance activities;

7. Requests the Secretary-General to cooperate and coordinate with other entities of the United Nations system and relevant international organizations, within their respective mandates, in undertaking joint activities in the field of the prevention and control of corruption and in maximizing the effect of such activities;

8. Calls upon States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;

9. Requests the Secretary-General, in cooperation with the interregional and regional institutes of the United Nations crime prevention and criminal justice programme network, to study the effects of anti-

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[32] International Review of Criminal Policy, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

corruption strategies in order to provide a comparative review of the most effective practices and to develop training and awareness curricula;

10. Requests the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review;

11. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution.

Annex

DRAFT INTERNATIONAL CODE OF CONDUCT FOR PUBLIC OFFICE HOLDERS[33]

I. GENERAL PRINCIPLES

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the primary loyalty of public office holders shall be to the public interests of their country as expressed through the democratic institutions of government, and not to persons, political parties or specific government departments or agencies.

2. Public office holders shall ensure that they perform their functions in an efficient and effective manner. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.[34]

[2 bis. Public office holders shall be responsible for the proper conduct of the functions assigned to them by their hierarchical superior. Public office holders shall be under the obligation not to obey orders which do not conform to law and to accordingly inform their hierarchical superior. If their hierarchical superior reiterates the order in writing, such order shall be executed. In this case, responsibility shall rest with the hierarchical superior. The order whose objective constitutes a crime shall not be executed under any circumstances.]

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[33] The draft international code of conduct for public office holders was prepared by the Secretariat pursuant to resolution 7 of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. An earlier version of it was contained in annex II of the discussion guide on demonstration and research workshops (A/CONF.169/PM.1/Add.1). The Commission on Crime Prevention and Criminal Justice reviewed the draft and commented on it at its third session. Pursuant to Economic and Social Council resolution 1994/19, adopted on the recommendation of the Commission, the Director-General of the United Nations Office at Vienna sent the draft code to Member States seeking their comments. To date only two countries have provided comments and suggestions for amendments. The draft code in its present form was prepared by the Secretariat in the light of those comments and suggestions, the observations made during the third and fourth sessions of the Commission, and the input of the five regional preparatory meetings for the Ninth Congress. Revisions in the text are clearly marked for ease of reference.

The deletions mentioned in notes 34-41 below refer to words appearing in the version of the draft international code contained in the discussion guide (A/CONF.169/PM.1/Add.1, annex II) or in the background paper prepared by the Secretariat on international action against corruption (A/CONF.169/14, annex I).

[34] Former paragraph 2 deleted.

3. Public office holders shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual, discriminate against any group or individual, or otherwise abuse the power[35] and authority vested in them [This provision should not be interpreted as excluding any officially approved affirmative action policies to assist disadvantaged groups].

II. CONFLICTS OF INTEREST AND DISQUALIFICATION

4. Public office holders shall never in any way use their official authority for the[36] advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function, or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties, or the discharge thereof.

5. All public office holders designated under national law shall, unless exempted, declare relevant business, commercial and financial interests, or activities undertaken for financial gain upon entering the service. This information shall be updated regularly. In situations of possible or perceived conflict of interest between public office holders' public duties and private interests, they shall disqualify themselves from any decision-making process relating to such conflict of interest.

6. Public office holders shall at no time use public property, services, or information acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Within a stated period after separation from public service, public office holders holding managerial positions shall, within the framework of national law, obtain governmental permission prior to accepting employment or consultancy assignments from business or private concerns that are in financial relationship with the governmental department or agency in which such officials were employed. During the same period after separation, such permission shall also be required prior to engaging in any private or business activity related to, or dependent on, their previous position in public service.

III. DISCLOSURE OF ASSETS

8. Public office holders holding managerial or policy-making positions as designated by and pursuant to procedures established by national law, shall[37] disclose[38] all personal property, assets and liabilities, as well as those of their spouses and/or other dependants. Such office holders shall also provide detailed information on the source of any property or asset acquired after their appointment to a senior post. All information

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[35] It was suggested that a separate paragraph deal with the issue of abuse of power. However, no specific language has been provided.

[36] The word "improper" was deleted.

[37] The words ", upon request from their supervisors or other person having an official audit function who has reasonable cause to consider that this is necessary or desirable," were deleted.

[38] The words "to their employers" were deleted.

provided shall be treated as confidential and may only be disclosed within the framework of special procedures.

IV. ACCEPTANCE OF GIFTS OR OTHER FAVOURS

9. Public office holders shall not place themselves in a position of being under the moral obligation to accord preferential treatment of special consideration to any person or entity, [for instance by accepting directly or indirectly any gift, gratuity, favour, entertainment, loan or anything of monetary value, above a certain limit to be defined by their employer].

[Alternative formulation: Public office holders must, as a matter of principle, refuse any gift which may have an influence on the exercise of their functions, performance of their duties or their judgement.]

V. CONFIDENTIAL INFORMATION

10. Matters of a confidential nature in the possession of public office holders shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.[39] Such restrictions shall apply also after separation from service.

VI. POLITICAL ACTIVITY

11. The political activity of public office holders shall not be such as to impair public confidence in the impartial performance of their functions and duties.[40]

VII. REPORTING, DISCIPLINARY ACTION AND IMPLEMENTATION

[12. Public officials should report violations of this Code to the appropriate authorities.[41]]

[13. Public officials who knowingly and deliberately, or recklessly disregard the provisions of this Code shall be subject to the appropriate disciplinary and administrative measures.]

[14. Serious violations of the provisions of this Code may also be punishable by criminal sanctions, including forfeiture and confiscation of illicit proceeds with compensation to any injured party.]

[Alternative formulations for a single paragraph to replace paragraphs 13 and 14:

Alternative 1: Public office holders who violate the provisions of this Code shall be subject to the appropriate disciplinary, administrative or penal measures, as determined by national legal principles and procedures.

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[39] See the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex, article 4).

[40] Former paragraph 13 deleted.

[41] Deletion.

Alternative 2: Public office holders who deliberately or negligently violate the provisions of this Code shall be subject to disciplinary measures. Serious violations may also be punishable by criminal sanctions, including forfeiture and confiscation of illicit proceeds with compensation to any injured party.]

DRAFT RESOLUTION VIII

Technical cooperation and interregional advisory services in crime prevention and criminal justice*

The Economic and Social Council,

Recalling its resolution 1994/22 of 25 July 1994, on technical cooperation in the field of crime prevention and criminal justice,

Recalling also its resolution 1994/16 of 25 July 1994, in which it requested the Secretary-General to provide adequate funds to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme to respond to requests of Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources,

Recalling further General Assembly resolution 49/158 of 23 December 1994, on strengthening the United Nations crime prevention and criminal justice programme, particularly its technical cooperation capacity,

Convinced that establishing the rule of law and maintaining efficient criminal justice systems is one of the essential elements of developmental efforts, and recognizing the direct relevance of crime prevention and criminal justice to sustained development, stability, security and improved quality of life,

Underlining the fact that one of the most effective ways to meet the needs of States in this area is through operational activities, such as advisory services, training programmes and the dissemination and exchange of information,

Recognizing the need in making specific proposals on the resolutions of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders related to technical cooperation and advisory services, to take into account the capacity of the United Nations crime prevention and criminal justice programme and its future role in providing services in that field,

1. Takes note with appreciation of the report of the Secretary-General[24] on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

2. Welcomes the call of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[42] for intensified efforts to strengthen the rule of law by means of international cooperation and practical technical assistance;

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*For the discussion, see chap. V.

[42] A/CONF.169/16, chap. I, resolution 2.

3. Reaffirms the high priority attached to technical cooperation and advisory services as a means for the United Nations crime prevention and criminal justice programme to respond to the needs of the international community in the face of both national and transnational criminality and to assist Member States in achieving the goals of preventing crime within and among States and improving the response to crime, in accordance with General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations crime prevention and criminal justice programme, and in line with the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. Stresses the importance of continuing to improve the operational activities of the United Nations crime prevention and criminal justice programme, particularly in developing countries and countries in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice, by undertaking advisory services and training programmes and by carrying out field studies and action-oriented research at the regional, subregional, national and local levels, also drawing upon extrabudgetary contributions;

5. Expresses its appreciation to Member States and other entities supporting the United Nations crime prevention and criminal justice programme, through contributions to the United Nations Crime Prevention and Criminal Justice Fund or by other means, and invites them to continue their support;

6. Invites Member States to contribute to the activities of the United Nations crime prevention and criminal justice programme by other means, for example by providing the services of associate experts, by providing the services of consultants and experts for training purposes and advisory missions, by developing training manuals and other material, by offering fellowship opportunities and by hosting problem-oriented workshops and expert group meetings;

7. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical cooperation activities devoted to crime prevention and criminal justice and, in pursuance of their mandates, to include such activities in their programmes, utilizing the expertise of the United Nations crime prevention and criminal justice programme in such activities and cooperating closely on relevant technical assistance projects and advisory missions;

8. Calls upon all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations crime prevention and criminal justice programme in support of its operational and technical activities;

9. Requests the Secretary-General to facilitate, as appropriate, joint initiatives and the joint formulation and implementation of technical assistance projects, involving interested donor countries, funding agencies and other relevant entities, and to organize meetings of interested donor and recipient countries;

10. Takes note with appreciation the contribution of the United Nations crime prevention and criminal justice programme to United Nations peace-keeping and special missions, as well as its contribution to the follow-up to those missions, inter alia, through advisory services, and encourages the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peace-keeping operations;

11. Takes note of the work of the crime prevention and criminal justice programme on collecting and disseminating data and other information on technical cooperation projects and requests the Secretary-General to further strengthen the capacity of the Secretariat to establish and develop relevant databases, by cooperating in this endeavour with the United Nations Development Programme and the network of institutes cooperating with the United Nations crime prevention and criminal justice programme;

12. Reiterates its appreciation for the provision of services of two interregional advisers for crime prevention and criminal justice and strongly recommends to the Secretary-General that those posts should be retained and that the interregional advisory services of the United Nations crime prevention and criminal justice programme should be further strengthened to support technical assistance activities, including short-term advisory services, needs assessment, feasibility studies, field projects, training and fellowships;

13. Requests the Secretary-General to provide, within the regular budget, appropriate resources for the United Nations crime prevention and criminal justice programme to provide better planning support and backstopping for the interregional advisory services, in accordance with General Assembly resolution 49/158 and Economic and Social Council resolutions 1994/16 and 1994/22.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice also recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute*

The Economic and Social Council decides to endorse the appointment by the Commission on Crime Prevention and Criminal Justice at its fourth session of Jan J. M. van Dijk (Netherlands), Károly Bárd (Hungary) and Adedokun A. Adeyemi (Nigeria) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

DRAFT DECISION II

Organization of work for the fifth session of the Commission on Crime Prevention and Criminal Justice**

The Economic and Social Council decides that the Commission on Crime Prevention and Criminal Justice at its fifth session, addition to plenary meetings, should be provided with full interpretation services for a total of 14 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meetings to be determined by the Commission at its fifth session under its agenda item entitled "Adoption of the agenda and organization of work". This decision is taken on the understanding that no more than two meetings will be held concurrently, in order to ensure maximum participation of delegations.

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*For the discussion, see chap. VI.

**For the discussion, see chap. VIII.

DRAFT DECISION III

Report of the Commission on Crime Prevention and Criminal Justice on its fourth session and provisional agenda and documentation for the fifth session of the Commission*

The Economic and Social Council,

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its fourth session;

(b) Approves the provisional agenda and documentation for the fifth session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE FIFTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

(Legislative authority: Economic and Social Council resolution 1992/1; rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)

3. Review of priority themes.

Documentation

Report of the Secretary-General on international, regional and other initiatives for the prevention and control of the laundering of the proceeds of crime and the control of such proceeds

(Legislative authority: Economic and Social Council resolution 1994/13, para. 10)

Report of the Secretary-General on measures to combat the smuggling of illegal migrants

(Legislative authority: draft resolution III, para. 11)

Report of the Secretary-General on the open-ended intergovernmental working group on the establishment of a regional centre for training and research on crime prevention and criminal justice for the Mediterranean States

(Legislative authority: draft resolution I, section I, para. 8)

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*For the discussion, see chap. VIII.

Report of the Secretary-General on the feasibility of establishing an integrated system for the periodic gathering and dissemination of information on national legislation on crime prevention and criminal justice, and its implementation

(Legislative authority: draft resolution I, section II, para. 4)

Note of the Secretary-General on the draft international code of conduct for public office holders

(Legislative authority: draft resolution VII, para. 4)

Report of the intergovernmental group of experts on mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters, and the development of model legislation on extradition and related forms of international cooperation

(Legislative authority: draft resolution I, section I, para. 7)

Report of the Secretary-General on the views of Member States on measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between organized crime and terrorist crimes

(Legislative authority: draft resolution I, section II, para. 10)

Report of the Secretary-General on proposals for the creation of a central repository of existing legislative and regulatory measures and information organizational structures designed to combat transnational organized crime

(Legislative authority: draft resolution IV, para. 6)

Report of the Secretary-General on the implementation of the recommendations on children as victims and perpetrators of crime

(Legislative authority: Commission decision 3/1; draft resolution I, section IV, para. 25)

Report of the Secretary-General on the implementation of [draft resolution IV], including proposals for further action aimed at the full implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

(Legislative authority: draft resolution IV, para. 13)

Report of the Secretary-General containing the text of and the views received on a draft plan of action on the elimination of violence against women

(Legislative authority: draft resolution I, section IV, paras. 28 and 29)

Report on practical measures to be taken in the field of crime prevention and criminal justice to eliminate violence against women

(Legislative authority: Commission decision 3/1; draft resolution I, section IV, para. 31)

Report of the Secretary-General on a draft action plan on international cooperation and assistance in regard to statistical and computerized applications in the management of the criminal justice system

(Legislative authority: draft resolution I, section III, para. 7)

4. Measures to regulate firearms.

Documentation

Report of the Secretary-General on the implementation of resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on firearms regulation for purposes of crime prevention and public safety, including a progress report on the study on the use of firearms in criminal cases, accidents and suicides, transnational illicit trafficking in firearms, national legislation and regulations relevant to firearms regulation and recommendations for further concerted action at the regional and interregional levels

(Legislative authority: draft resolution I, section IV, paras. 8 and 12)

5. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report of the Secretary-General on proposals for the substantive topics of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including observations on the new structure and format of the United Nations congresses

(Legislative authority: General Assembly resolutions 415 (V) and 46/152)

6. Technical cooperation and strengthening of the United nations crime prevention and criminal justice programme.

Documentation

Report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme

(Legislative authority: Economic and Social Council resolution 1992/22, section VII, para. 2; Commission resolution 4/1, para. 4; draft resolution I, section IV, para. 23; and draft resolution VIII)

7. United Nations standards and norms in the field of crime prevention and criminal justice.

Documentation

Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolution 1992/22; draft resolution VI, section VI, para. 3)

Reports of the Secretary-General on the use and application of selected United Nations standards and norms

(Legislative authority: Economic and Social Council resolutions 1993/34 III. para. 7 (c) and 1994/18, para. 15; draft resolution VI, para. 2)

Note by the Secretary-General on questionnaires on selected United Nations standards

(Legislative authority: draft resolution VI, para. 3)

Report of the Secretary-General on the development of minimum rules for the administration of criminal justice

(Legislative authority: Commission resolution 4/2)

8. Cooperation and coordination of activities with other United Nations bodies and other entities.

Documentation

Report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice, including the United Nations International Drug Control Programme

(Legislative authority: Commission resolution 3/5, para. 7)

Report on the activities of the institutes comprising the United Nations crime prevention and criminal justice programme network

(Legislative authority: Economic and Social Council resolution 1992/22, section IV, para. 2)

9. Plan for strategic management.

(Legislative authority: Commission resolutions 1/1 and 4/3, para. 4)

I. Programme questions.

II. Provisional agenda for the sixth session of the Commission.

III. Adoption of the report of the Commission on its fifth session.

D. Matters brought to the attention of the Council

4. The attention of the Council is also drawn to the following resolutions adopted by the Commission.

Resolution 4/1. Succession of States in respect of international treaties on combating various manifestations of crime*

The Commission on Crime Prevention and Criminal Justice,

Recalling its resolution 3/4 of 5 May 1994,

Recalling also relevant resolutions of the Commission on Human Rights in which the Commission, inter alia, encouraged successor States to confirm to appropriate depositories that they would continue to be bound by obligations under international human rights treaties,

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*For the discussion, see chap. IV.

Considering that the widest possible adherence to international treaties, in particular those on combating such serious crimes as illicit drug trafficking, the taking of hostages and hijacking, is one of the conditions for effective international cooperation in this field,

Emphasizing the special importance of the consistent and effective implementation of international instruments on combating crime,

Recognizing the need to intensify and coordinate efforts against the most dangerous manifestations of crime in order to ensure concerted global action,

Noting that the confirmation by successor States to appropriate depositories that they will continue to fulfil obligations of their predecessor States under international treaties on combating various manifestations of crime is important for successful action by the international community against the evils of crime,

Noting the progress made in the confirmation by some successor States of their obligations under international treaties on combating crime,

1. Reiterates its call to successor States that have not yet done so to confirm to appropriate depositories that they will continue to be bound by obligations under relevant international treaties on combating various manifestations of crime, to which their predecessor States were parties;

2. Urges the successor States that have not yet done so to consider becoming parties to the international treaties on combating crime, to which their predecessor States were not parties;

3. Requests the Secretary-General to continue to render advisory services, upon request, with regard to the legal aspects of succeeding to or becoming party to international treaties on combating crime to successor States that are Members of the United Nations;

4. Also requests the Secretary-General to include, in his report on technical cooperation to be submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session, information received from Member States on the progress achieved in that area.

Resolution 4/2. Proposal for the development of minimum rules for the administration of criminal justice*

The Commission on Crime Prevention and Criminal Justice,

Taking note of the report of the Secretary-General[43] on the development of United Nations minimum rules for the administration of criminal justice, prepared in pursuance of Economic and Social Council resolution 1994/17 of 25 July 1994,

Welcoming the replies received from States and institutions to a request from the Secretary-General for comments on the desirability of preparing and adopting minimum rules for the administration of criminal justice,

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*For the discussion, see chap. V.

[43] E/CN.15/1995/7/Add.1.

Considering that it requires further comments on the subject in order to facilitate its consideration of the matter,

Requests the Secretary-General to seek more comments from States on the advisability and on the specific content of the draft minimum rules for the administration of criminal justice[44] in order for him to submit an analytical report, including options on how to proceed in this matter, to be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session.

Resolution 4/3. Provision of information in accordance with the plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme*

The Commission on Crime Prevention and Criminal Justice,

Recognizing that in the statement of principles and programmes of action of the United Nations crime prevention and criminal justice programme, paragraphs 21 and 22, annexed to General Assembly resolution 46/152 of 18 December 1991, criteria for determining the priorities and supervision of the programme were set out,

Recalling that in its resolution 1/1, annex, it adopted a plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme in order to carry out those criteria,

Believing that the provision of information on proposed activities would assist it and Member States in implementing its resolution 1/1,

1. Decides that in implementing its resolution 1/1 at its fifth and subsequent sessions, the type of information set out in the annex to the present resolution would be useful in its consideration of draft resolutions;

2. Also decides that it should examine the information provided through the use of the annex to the present resolution prior to taking action on a proposed activity;

3. Further decides that if a proposed activity is subsequently implemented, the Secretariat should report annually on the progress made in implementing that activity under the relevant item of the agenda of the Commission on Crime Prevention and Criminal Justice;

4. Further decides that, commencing with its fifth session, a standing item should be included in its agenda so that it may review the extent to which activities have been successfully implemented in accordance with its resolution 1/1 and the information provided in accordance with the annex to the present resolution;

5. Requests the Secretary-General to provide Member States with the necessary assistance to implement the present resolution, including the provision of information on the availability of resources and, when a proponent of a proposed activity cannot provide information of the type set out in the annex to the present resolution, the Secretariat can be requested to assist.

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[44] E/CN.15/1994/11.

*For the discussion, see chap. VII.

Annex

INFORMATION TO BE PROVIDED IN ACCORDANCE WITH THE PLAN FOR STRATEGIC MANAGEMENT BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

The statement of information should contain, to the extent possible, the following information:

(a) The proposed activity and its scope, including a clear delineation of the specific tasks to be carried out;

(b) A proposed timetable for carrying out the proposed activity;

(c) Identification of the United Nations or other body that could carry out the activity or any portion of it;

(d) A description of the extent to which the proposed activity has already been carried out by any United Nations or other body;

(e) Identification of resources available to any United Nations body to carry out the proposed activity;

(f) Where applicable, identification of any potential commitment of regular and extrabudgetary resources for the proposed activity made by the United Nations and any entity other than the United Nations;

(g) The outcome anticipated by the undertaking of the activity.

Chapter II

CONSIDERATION OF THE RECOMMENDATIONS OF THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

5. The Commission considered item 3 of its agenda at its 1st, 2nd, 3rd, 8th and 11th to 13th meetings, on 30 and 31 May and 6, 8 and 9 June 1995. It had before it the following documents:

(a) Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/16);

(b) Conference room paper prepared by the Secretariat on matters arising from the resolutions of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders requiring follow-up action or consideration by the Commission on Crime Prevention and Criminal Justice (E/CN.15/1995/CRP.1);

(c) Conference room paper prepared by the Secretariat providing an overview of the ancillary and professional meetings held on the occasion of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1995/CRP.2);

(d) All working papers and background documents prepared for the Ninth Congress and its six workshops (A/CONF.169/1-12, A/CONF.169/13 and Add.1, A/CONF.169/14 and A/CONF.169/15 and Add.1).

6. In introducing the item, the Chief of the Crime Prevention and Criminal Justice Branch of the Secretariat expressed his appreciation to the Ninth Congress participants, including representatives of Governments, intergovernmental organizations and non-governmental organizations and individual experts, for making the Ninth Congress such a success. He especially thanked the host Government, the people of Egypt, and the Egyptian Minister of Justice, who was elected President of the Ninth Congress, as well as the Chairman of the National Preparatory Committee, and his colleagues, for the excellent organization and conference facilities and for the warm hospitality. He also expressed appreciation to the chairmen and rapporteurs of the Ninth Congress committees, and the Rapporteur-General for their hard work.

7. He noted that special efforts had been made to ensure that the report of the Ninth Congress was available to the Commission at its fourth session, notwithstanding the fact that the Ninth Congress had been held only a short time before. The Secretariat had prepared a conference room paper (E/CN.15/1995/CRP.1) consolidating the main issues for follow-up action or consideration by the Commission, based on the resolutions of the Ninth Congress. The attention of the Commission was drawn to the draft international code of conduct for public officials, contained in the background paper prepared by the Secretariat (A/CONF.169/14, annex I). On the recommendation of the Commission at its third session, the Economic and Social Council had adopted resolution 1994/19. In section VI of that resolution, the Council had recommended that the Ninth Congress, during the plenary discussion on corruption, should consider the desirability of a code of conduct for public officials, and that the Secretary-General should seek comments from Member States and relevant entities to assist the Commission in its consideration of the matter at its fourth session.

8. All those who spoke on agenda item 3 expressed their satisfaction with the successful conduct and the productive results of the Ninth Congress, in spite of the fact that the time available for pre-congress consultations and the Ninth Congress itself had had to be shortened. The Ninth Congress could be considered a turning-point for the United Nations crime prevention and criminal justice programme: it was the first

United Nations congress on the prevention of crime and the treatment of offenders to be held after the restructuring of the programme pursuant to General Assembly resolution 46/152 and the establishment, by the Economic and Social Council in its resolution 1992/1, of the Commission on Crime Prevention and Criminal Justice as one of its functional commissions. The new format of the congress emphasized the exchange of expertise, national experiences and specific methods of crime prevention and control, which was also reflected in the pragmatic approach adopted by the demonstration and research workshops. In this context, one participant underlined that the fulfilment of the provisions contained in General Assembly resolution 46/152 was an essential condition to ensure the usefulness of future congresses.

9. Many representatives emphasized the importance of undertaking a thorough evaluation and analysis of the results of the Ninth Congress. A number of important lessons could be utilized in the organization of future congresses. It was emphasized that the new format of the congresses was a breakthrough in the way United Nations conferences were organized. Its practical orientation was particularly welcome. The workshops had proved to be extremely useful in sharing experiences and know-how. The involvement of different entities in their organization had provided valuable results, although it was suggested that their number could be reduced to ease the burden on smaller delegations. It was suggested that future workshops should deal with topics of interest to both developing and developed countries; take a multidisciplinary approach, actively involving entities with different areas of expertise and operation in their organization and conduct; identify recent trends and emerging issues in crime prevention and criminal justice; stimulate among participants discussions oriented towards finding practical solutions to problems; and achieve a multiplier effect in terms of generating practical applications after the congresses. Consideration should be given to ensuring that there was adequate time for discussion, perhaps with panels of experts. An effort should be made to highlight areas of concern and/or disagreement in the preparatory documentation. The conclusions of the workshops could also be clarified vis-à-vis the congress resolutions. In addition, it would be desirable to review the approach to the ancillary meetings, symposium and exhibits to ensure that they would be integrated into the congress activities.

10. The continued participation of high-level officials in the congresses could be ensured by allowing adequate time during the proceedings for heads of delegations to discuss matters of mutual concern and to share their experiences and policy orientations. The participants had demonstrated their political will. It was now a matter of making the maximum use of the rich legacy of the Ninth Congress. Concerted efforts also had to be made, in terms of implementing the legal and political measures, for example, not only to combat criminal networks, but also to ensure that no State provided a safe haven for criminals or functioned as an "incubator" for criminal organizations.

11. There was agreement that the smaller number of resolutions adopted by the Ninth Congress, compared with the number adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990, was a welcome development, as quality was more important than quantity. It was suggested that resolutions should be even more succinct and substantive. A number of participants noted that the reduced number of resolutions could have been a result of rule 28 of the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders (A/CONF.169/2), which required resolutions to be submitted to the Secretary-General of each congress four months before the congress. A number of participants stated that planning for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders should begin as soon as possible and that the Commission at its fifth session should decide on its preparations, including, if feasible, an indication of its proposed dates and venue. The agreement with the host Government should be confirmed no less than 18 months before the convening of the Tenth Congress.

12. The theme of the Ninth Congress, "Less crime and more justice: security for all", was highlighted in the discussions on the four substantive topics. It was agreed that strengthened international cooperation in crime prevention and criminal justice was essential to stopping the rising tide of crime and that such cooperation and technical assistance were particularly important for developing countries and countries in

transition. There was a clear need for exchanges of information relevant to the common goals of more effective crime prevention and improved administration of criminal justice. Suggestions included the establishment of electronic data banks that would allow for the various experiences of Member States to be shared, bearing in mind in particular the needs of developing countries. Emphasis was placed on using as a guide to effective action empirical research and analysis that took into account the realities of various countries. Successful models, empirically developed and tested could be shared among countries, especially at the regional level. It was stressed that the results of the Ninth Congress should be widely disseminated and, within individual Member States, made available to as many specialists as possible as well as to relevant interregional forums, such as the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing from 4 to 15 September 1995, and the United Nations Conference on Human Settlements (Habitat II), to be held at Istanbul from 3 to 14 June 1996.

13. Mechanisms could usefully be developed to maximize the results of the Ninth Congress. It was also suggested that more candidates from developing countries should be recruited to serve in crime research institutes and on special needs assessment teams. Particular importance was attached to the training of law enforcement officers and other criminal justice officials, in view of the dearth of qualified personnel and need to upgrade expertise, especially to deal with the sophisticated new transnational forms of crime. Member States, particularly developed countries, were urged to increase their contributions to the United Nations crime prevention and criminal justice programme and to help to intensify international cooperation and assistance in that field. The United Nations had a key role to play in assisting and facilitating cooperation in crime prevention and criminal justice at the international, regional and national levels. It was agreed that crime control was essential to good governance and that the more virulent forms of criminality, such as transnational organized crime, jeopardized economic stability and development. In developing countries with fragile national structures, its effects were devastating, underlining the need for prevention. Crime prevention was of fundamental importance to safeguarding the integrity of societies and democratic political systems, within the framework of the rule of law and fundamental human rights and freedoms.

14. The resolutions of the Ninth Congress could be seen as falling into two main groups. First, there were recommendations to Member States concerning measures that could be introduced to enhance crime prevention and criminal justice, such as information exchange, mutual assistance in criminal matters, harmonization of legislation, technical cooperation and wider application of United Nations standards and norms in crime prevention and criminal justice; countries should report on their implementation of such resolutions to the General Assembly, through the Commission and the Economic and Social Council. Secondly, the Ninth Congress provided input and suggestions on specific topics, such as violence against women and children, focusing on practical activities, especially training. Reference was made to the important role of the Commission in following up the work of the Ninth Congress, for example, by establishing working groups on specific topics, to report to the Commission at its fifth session. Resolutions should result in concrete action, reflected in appropriate legislation and institutional structures at the national level, and the full enforcement of such laws at the national and international levels. The United Nations could assist the public and specialists in becoming aware of the Ninth Congress recommendations by disseminating them in the form of publications and through the United Nations Crime and Justice Information Network and the overall United Nations crime prevention and criminal justice programme network.

15. Research and analysis of criminological phenomena were considered to be an essential prerequisite for effective action. Empirical studies could reveal important linkages between different socio-economic problems and crime, leading to more productive efforts in crime prevention and control. The United Nations crime prevention and criminal justice programme provided a suitable framework for technical assistance that could reinforce the emerging research capabilities of developing countries, for example by reciprocal assistance agreements, concluded by Governments under the auspices of the United Nations. Technical assistance should regard the self-reliance of developing countries in crime prevention and criminal justice as a key to sustainable development and better quality of life.

16. Several participants referred to the strengthening and further development of the United Nations crime prevention and criminal justice programme. They expressed support for the upgrading of the Branch to the level of a division, as the Secretary-General had proposed in the programme budget for the biennium 1996-1997, to be submitted to the General Assembly at its fiftieth session. Many participants noted the need to increase the staff and resources available to the Branch, in the light of increases in the incidence and scope of crime, especially transnational crime, and in the number of requests for assistance that had been received by the Branch.

17. A number of participants emphasized that the Commission should take a critical look at its own functioning and, where possible, should streamline statements and resolutions to deal directly with problem areas, rather than dealing with generalities. The Commission had the important task of making decisions on criminal justice policies, in the light of the results of the Ninth Congress (A/CONF.169/16, chap. I), the recommendations of the World Ministerial Conference on Organized Transnational Crime (A/49/748, annex, chap. I, sect. A), held at Naples, Italy, from 21 to 23 November 1994, and the implementation priorities of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach (E/CONF.88/7, chap. IV), held at Courmayeur, Italy, from 18 to 20 June 1994, and making recommendations to the Economic and Social Council and the General Assembly. That responsibility should be carried out carefully, in the most cost-effective manner. On the other hand, one participant pointed out that the proliferation of priorities, unaccompanied as it was by the corresponding resources, weakened the capacity of the Commission to carry out effectively the functions that had been assigned to it by the Economic and Social Council and to deliver assistance that was of fundamental importance for developing countries.

18. It was acknowledged that the resolutions adopted by the Ninth Congress reflected the international consensus on the topics discussed. Therefore, the majority of the participants considered that a practical way of proceeding would be for the Commission to recommend to the Economic and Social Council the endorsement of the resolutions of the Ninth Congress, as well as taking the necessary steps to ensure their implementation. In this respect, it was necessary for the Commission to consider the question of priorities and the resources available. A number of speakers commented on the respective roles of the Commission and the congresses. The point was made that the Commission should fully consider the congress resolutions as part of its mission of providing strategic programme management, as well as the ways and means of putting those resolutions into practice. Duplication of effort should be avoided, and where possible, funds should be used where they were most needed, in particular for operational activities.

19. Several participants highlighted the importance of taking action on the full implementation of the Ninth Congress resolutions, especially resolution 9, entitled "Firearms regulation for purposes of crime prevention and public safety", and of requesting the Secretariat to provide a plan for its implementation. In reply, the Secretariat proposed the following work plan, subject to the decision of the Commission at its current session:

(a) From July to December 1995, the Secretariat would start, in cooperation with the interregional and regional institutes for the prevention of crime and the treatment of offenders, affiliated with the United Nations, the process of gathering data and other information on the national situation of Member States with regard to firearms regulation. For that purpose, it would be necessary to designate the topics and format of the project, based on the issues listed in Ninth Congress resolution 9, paragraph 3. Ten experts would be selected to designate the topics and the format. The ten experts would recommend 90 national consultants to provide the Branch with country reports in accordance with the designated format. The country reports would be compiled into a profile;

(b) In February 1996, based on the above-mentioned profile, an ad hoc expert group meeting would be held to elaborate recommendations for the Commission at its fifth session. Consideration would be given to the possible establishment of a database to enable the Secretariat to update the information gathered pursuant to subparagraph (a) above, as well as the publication of gun control reports every two years;

(c) Subject to the decision of the Commission at its fifth session, in July 1996, the Secretariat would start establishing a database on firearms regulations;

(d) Also subject to the decision of the Commission at its fifth session, in 1996 and 1997, the Secretariat would hold four interregional workshops on firearms regulation, covering the issues listed in Ninth Congress resolution 9, paragraph 3. The results of those workshops would be submitted to the Commission at its sixth and seventh sessions.

20. A number of participants stated that, of the follow-up action to be taken by the Commission following the Ninth Congress, particular attention should be given to the resolutions concerning organized crime and the various activities involved, such as alien smuggling, trafficking in minors and linkages with terrorist groups. Reference was made to the fact that the Ninth Congress, in its resolution 3, entitled "International instruments, such as a convention or conventions, against organized transnational crime", had invited the Commission to give priority to initiating the process called for by the World Ministerial Conference in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, chap. I, sect. A), approved by the General Assembly in its resolution 49/159, by requesting the views of Governments of the possible elaboration of new international instruments, such as a convention or conventions against organized transnational crime. It was suggested that the Commission should take the opportunity to elaborate matters that might be included in such instruments, a list of which was provided in the annex to resolution 3. The meetings held at Courmayeur, Naples and Cairo demonstrated that there was a great deal of agreement on the basic principles of how Governments could cooperate in adopting crime prevention and criminal justice measures, demonstrating their determination to fight organized transnational crime. However, those principles had to be applied in concrete actions in order to achieve practical results; such principles were contained in, for example, the recommendation that States should consider penalizing participation in criminal organizations or conspiracies and imposing criminal liability on corporate bodies.

21. It was recalled that the Ninth Congress, in its resolution 7, entitled "Children as victims and perpetrators of crime and the United Nations criminal justice programme: from standard setting towards implementation and action", had invited the Commission to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit traffic in children, which might embody the necessary elements to efficiently combat that form of transnational organized crime. Also in that resolution, the Ninth Congress had invited States to examine ways of ensuring that prosecution of illicit trafficking in children and other violent acts against children is not prevented by gaps in international cooperation.

22. A number of participants also urged the Commission to follow up on the adoption by the Ninth Congress of the resolution on the elimination of violence against women. Measures such as a plan of action on the elimination of violence against women, training, advisory services and other practical activities were called for in that respect.

23. Some participants mentioned the importance of action being taken against terrorism, which was assuming transnational dimensions and had links with organized crime. Reference was made to Ninth Congress resolution 4, entitled "Links between terrorist crimes and transnational organized crime", and the urgency of the action that the Ninth Congress had invited the Commission to take on that resolution. One representative, while supporting the resolution, also emphasized that a distinction should be made between acts of terrorism and the legitimate struggle of people fighting against foreign occupation.

24. The establishment of a database on technical assistance involving training was suggested as a practical means of furthering the objectives of the programme. The database would enable Member States to see what training had been done internationally, what gaps in training existed, which countries had contributed to and benefited from such training and what facilities and needs existed. That would make possible better coordination by Member States to ensure that training resources were being put to the best use.

25. Upon the conclusion of item 3, the Chairman summarized the debate. He noted that there had been a rich discussion on the item. Most speakers had supported the concept of the congress workshops, praising their practical orientation. The workshops also provided specialized scientific advice to the Commission. The Ninth Congress had marked a transition to a new congress format, which could in future be even more practice-oriented. The number of workshops should be reduced and their objectives more clearly defined. Each workshop could be structured to foster more interaction and exchanges of views from participants, perhaps with a presentation by a keynote speaker or by a panel of experts. The Chairman suggested that, as there had been a high level of representation at the Ninth Congress, a "high-level segment" could be introduced at the beginning of proceedings, reserved for ministers of State and other representatives of similar rank. The Commission should start preparatory work for the congresses earlier, and the consensus of participants seemed to be that rule 28 of the rules of procedure for the congresses, which required that draft resolutions be submitted four months in advance of each congress, should be retained.

26. The Chairman acknowledged the need to establish priorities in regard to congress resolutions. A number of participants had stated that the resolutions emanating from the Ninth Congress could have been better focused and smaller in number. Substantive issues arising from the Ninth Congress had been identified; most speakers had highlighted the importance of countering national and transnational crime, including organized crime. The Chairman suggested that the Commission should implement the Ninth Congress resolutions by means of two resolutions of its own: a general resolution welcoming the results of the Ninth Congress, for the approval of the General Assembly through the Economic and Social Council, and a more detailed resolution specifying what actions would be required for follow-up under the different priority themes. There was also a need to consider follow-up of the conclusions of the workshops and ancillary meetings. The majority of speakers had expressed the view that the Commission should refrain from reopening matters of substance debated at the Ninth Congress and embodied in its resolutions.

27. The Chairman stated that the importance of crime prevention and criminal justice to the stability of economic and social systems, and to development, had consistently been emphasized. That had clear significance for other events and for social issues, highlighted at the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995. The Chairman stressed the need for increased interaction with other relevant global conferences and efforts, such as the Fourth World Conference on Women and Habitat II. There was also a need for practical technical assistance programmes designed to promote the exchange of experiences and knowledge. The Chairman noted that the Crime Prevention and Criminal Justice Branch was severely overburdened and that many participants had supported the upgrading of the Branch to a division. Finally, the challenge of securing adequate resources for the programme and for operational activities had been a recurrent theme.

ACTION TAKEN BY THE COMMISSION

Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

28. At its 12th meeting, on 9 June 1995, the Commission had before it a draft resolution (E/CN.15/1995/L.1) entitled "Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", submitted by the Chairman.

29. At the same meeting, the representative of the United States of America proposed an amendment to operative paragraph 5 of the draft resolution, whereby the phrase "in accordance with the economic, social, legal, cultural and political circumstances of each country" would be deleted.

30. The representative of Canada proposed the insertion, in operative paragraph 8, of the words "institutes, intergovernmental and non-governmental organizations" after the words "Member States".

31. Statements were made by the representatives of the United States of America and Japan.

32. The representative of the United States of America then withdrew his proposed amendment.

33. The representative of China made a statement.

34. At the same meeting, the Commission approved draft resolution E/CN.15/1995/L.1, as orally amended by the representative of Canada, and recommended it to the Economic and Social Council for adoption (see chap. I, sect. A).

Regarding incitement to racial hatred and religious fanaticism as a universal crime against humanity

35. At the 8th meeting, on 6 June 1995, the representative of Tunisia introduced a draft resolution (E/CN.15/1995/L.2) entitled "Regarding incitement to racial hatred and religious fanaticism as a universal crime against humanity", which read as follows:

"The Economic and Social Council,

"Bearing in mind the recommendations contained in the Milan Plan of Action, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985, concerning the strengthening of international cooperation in combating organized crime,

"Recalling the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, annexed to General Assembly resolution 46/152 of 18 December 1991, in which Member States recognized that democracy and a better quality of life could flourish only in a context of peace and security for all and emphasized the need for strengthened regional and international cooperation to combat crime and recidivism,

"Recalling also the priorities set by the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: A Global Approach, held at Courmayeur, Italy, from 18 to 20 June 1994,

"Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,

"Bearing in mind that the Universal Declaration of Human Rights, article 14, provides that the right to seek and to enjoy in other countries asylum from persecution may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations,

"Aware of the serious threat to the stability and security of States that is represented by the new forms of organized transnational crime and by acts committed by transnational criminal organizations with the aim of destabilizing the foundations of society as a whole and threatening State entities and the sovereignty of States,

"Aware of the structural interdependence of the crime of terrorism and incitement to racial hatred and religious fanaticism, including acts of intimidation and threats, and of transnational criminal organizations,

"Concerned at the increase in the number of racial organizations and of organizations calling for religious fanaticism, whose objective is to impose a particular ideology and a totalitarian model of society and which are engaged in the recruitment of followers, to be indoctrinated, organized and armed through various sources of financing, the most important being the utilization of funds from organized crime, illicit drug and arms trafficking, and theft and all other forms of organized crime,

"1. Appeals to all Member States to devote greater interest to combating incitement to racial hatred and religious fanaticism, and to preventing its expansion;

"2. Recommends that incitement to racial hatred and religious fanaticism, together with the acts of violence arising therefrom, should be regarded as a universal crime against humanity and calls upon all Member States to take all measures to combat this phenomenon and to comply with the resolutions and recommendations in this field adopted by United Nations bodies;

"3. Urges Member States to include in their domestic legislation provisions making incitement to racial hatred and religious fanaticism a universal crime against humanity and to take all legislative steps to enable judicial authorities and others to prosecute the perpetrators of such crime at the domestic and international levels;

"4. Recommends that all Member States should cooperate at the regional and international levels in carrying out requests for extradition and any other procedure required for the prosecution and conviction of perpetrators of such acts;

"5. Stresses the need to refuse to grant asylum to perpetrators of such crime and to ensure that the institution of asylum, as established by the Convention relating to the Status of Refugees, adopted at Geneva on 28 July 1951, does not depart from the noble humanitarian goals that were at its origin;

"6. Reaffirms the content and tenor of the Convention relating to the Status of Refugees, article 1, which states that the provisions of the Convention shall not apply to any person with respect to whom there are serious reasons for considering that he has committed a crime against humanity or a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee or that he has been guilty of acts contrary to the purposes and principles of the United Nations;

"7. Urges the obligation to take the necessary steps concerning the proceeds of such crime by adopting legislation that provides for the confiscation and seizure of all property of criminal origin and the establishment of cooperation on a regular basis among different States in order to make it possible to trace such property, wherever it may be located."

36. At the 12th meeting, on 9 June, the representative of France made a statement.

37. At the same meeting, the representative of Tunisia made a statement in which he withdrew the draft resolution.

38. Also at the same meeting, a statement was made by the observer for Egypt.

Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

39. At its 11th meeting, on 8 June, the Commission had before it a draft resolution (E/CN.15/1995/L.13) entitled "Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", submitted by Luigi Lauriola (Italy) on the basis of informal consultations. The draft resolution read as follows:

"The Economic and Social Council,

"Recalling its resolutions 1992/24 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994, on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling also General Assembly resolution 49/157 of 23 December 1994, in which the Assembly requested the Commission on Crime Prevention and Criminal Justice to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, with a view to recommending appropriate follow-up, through the Economic and Social Council, by the General Assembly at its fiftieth session,

"Determined to give effect to the resolutions and recommendations of the Ninth Congress, taking into account the guidance provided by the Commission on Crime Prevention and Criminal Justice at its fourth session,

"Taking note of the report of the Ninth Congress, considered by the Commission on Crime Prevention and Criminal Justice at its fourth session,

"1. Invites Governments to draw on the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in their efforts to combat crime and to ensure justice;

"2. Approves the follow-up of the resolutions and recommendations concerning the topics of the Ninth Congress as contained in the present resolution and requests the Secretary-General to implement them in accordance with work plans of implementation and with the rules and regulations of the United Nations, including financial and programme planning rules and regulations, in the context of the priority themes determined by the Council in its resolution 1992/22, section VOW, of 30 July 1992;

"I. INTERNATIONAL COOPERATION AND PRACTICAL TECHNICAL ASSISTANCE FOR STRENGTHENING THE RULE OF LAW: PROMOTING THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

"1. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical cooperation activities devoted to strengthening the rule of law, in cooperation with the United Nations crime prevention and criminal justice programme, in order to ensure proper coordination: and requests the Secretary-General to undertake vigorous fund-raising activities, also in accordance with Economic and Social Council resolution 1992/22;

"2. Encourages the Secretary-General, as a way of strengthening the rule of law, to include upon request the re-establishment and reform of criminal justice systems in peace-keeping operations;

"3. Requests the Secretary-General to further strengthen operational activities in developing countries and countries in transition, by providing advisory services and training programmes and by carrying out field studies at the national level, also drawing on extrabudgetary resources;

"4. Calls upon all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations in developing manuals and training curricula and in organizing courses in the various areas of crime prevention and criminal justice;

"A. International cooperation in criminal matters, including extradition

"1. Requests the Secretary-General to convene, subject to the availability of extrabudgetary funds, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters as well as for the development of model legislation on extradition and related forms of international cooperation in criminal matters;

"2. Recommends that the expert group should, in the light of the discussion of the workshop at the Ninth Congress, explore ways and means of increasing the efficiency of extradition and related mechanisms of international cooperation in criminal matters, having due regard to the rule of law and the protection of human rights, including, where appropriate, such measures as:

"(a) The provision of technical assistance in the development of bilateral and multilateral agreements based on the United Nations model treaties and other sources;

"(b) The drafting of model legislation or agreements on international cooperation in criminal matters, alternative or complementary articles for existing model treaties, and articles for possible model multilateral instruments;

"3. Recommends that a report on the implementation of the present resolution should be submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

"B. Establishment of a regional centre for training and research in crime prevention and criminal justice for the Mediterranean States

"Decides to establish an open-ended intergovernmental working group within the framework of the Commission on Crime Prevention and Criminal Justice with the aim of studying, with the assistance of the Secretary-General, the proposal for the establishment of a regional centre, to be based at Cairo, for training and research in crime prevention and criminal justice for the Mediterranean States, taking into consideration, inter alia, Economic and Social Council resolution 1994/23 of 25 July 1994, entitled 'criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice', and that the working group should report to the Commission at its fifth session;

"II. ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

"1. Requests the Commission on Crime Prevention and Criminal Justice to consider measures on the prevention and suppression of illicit trafficking in motor vehicles and requests the Secretary-General to seek the views of Governments and relevant organizations on this matter and to report to the Commission at its sixth session;

"2. Also requests the Commission on Crime Prevention and Criminal Justice, in its review of priority themes, to continue placing special emphasis on the development of strategies for the effective prevention and control of organized transnational crime;

"3. Calls upon the Secretary-General, as well as the United Nations Interregional Crime and Justice Research Institute and the regional institutes for the prevention of crime and the treatment of offenders, to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment, with an emphasis on:

"(a) Needs assessment and advisory services;

"(b) Assistance in the review or redrafting of legislation and the development of effective infrastructure;

"(c) Training of criminal justice and regulatory agency personnel;

"4. Requests the Secretary-General to consider the feasibility of establishing an integrated system for the periodic gathering and dissemination of information on national legislation in crime prevention and criminal justice and its implementation, taking into account the capabilities of the United Nations Crime and Justice Information Network and the activities of other United Nations entities and relevant intergovernmental organizations, invites Member States to cooperate in this regard, with a view to encouraging progressive alignment regarding, inter alia, international cooperation, extradition and other bilateral and multilateral modalities of mutual assistance in criminal matters, and requests the Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its fifth session;

"5. Also requests the Secretary-General to continue studying the actual situation of organized transnational crime and effective measures for its control;

"6. Further requests the Secretary-General to assist Member States, upon request, in adjusting their national legislation with a view to making the investigation, prosecution and adjudication of organized transnational crime more effective;

"7. Further requests the Secretary-General to ensure close coordination between the Crime Prevention and Criminal Justice Branch of the Secretariat and other United Nations entities, in particular, inter alia, the United Nations International Drug Control Programme, the Centre for Human Rights of the Secretariat, the United Nations Environment Programme and the United Nations Development Programme, including the sponsorship of joint activities, and to encourage further cooperation with the International Criminal Police Organization and other international and intergovernmental bodies concerned, through joint programmes and projects;

"Links between transnational organized crime and terrorist crimes

"1. Calls upon institutes and centres for crime prevention and criminal justice to devote the required attention to studying the links between transnational organized crime and terrorist crimes, their effects and appropriate means for countering them;

"2. Requests the competent United Nations bodies to collect information on the links between transnational organized crime and terrorist crimes, to coordinate their activities and to facilitate the access of States to such information;

"3. Decides that an open-ended intergovernmental working group should be established, within the framework of the Commission, to consider, at the fifth session of the Commission, the views of Member States to be sought by the Secretary-General in the implementation of Ninth Congress resolution 3, paragraph 1, and to consider measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between organized crime and terrorist crimes, and that the working group should report to the Commission at its fifth session;

"4. Recommends that the Commission should consider including on the agenda for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders an item entitled The links between transnational organized crime and terrorist crimes;

"III. CRIMINAL JUSTICE AND POLICE SYSTEMS: MANAGEMENT AND IMPROVEMENT OF POLICE AND OTHER LAW ENFORCEMENT AGENCIES, PROSECUTION, COURTS AND CORRECTIONS; AND THE ROLE OF LAWYERS

"1. Requests the Secretary-General to promote technical cooperation projects on penal law reform and on the modernization of criminal justice administration, particularly in the fields of data collection and computerization, the training of law enforcement officials, the promotion of non-custodial measures and prisoners' welfare, taking into account United Nations standards and norms such as the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Basic Principles for the Treatment of Prisoners and the WHO Guidelines on HIV Infection and AIDS in Prisons;

"2. Also requests the Secretary-General to play an active role in urging developed countries to provide support by supplying and maintaining technical aid for law enforcement agencies in developing countries;

"3. Further requests the Secretary-General to expedite the dissemination of the Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), which was published pursuant to General Assembly resolution 45/110 of 14 December 1990, and welcomes the support of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the International Penal and Penitentiary Foundation and the Asia Crime Prevention Foundation in its preparation;

"A. Prison conditions

"1. Invites the Commission on Crime Prevention and Criminal Justice to keep the matter of prison conditions under regular review and, in particular, recommends that the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice should discuss, at the fifth session of the Commission, the establishment of efficient information-gathering mechanisms to that end, taking into account the forthcoming results of the United Nations survey on the use and application of the Standard Minimum Rules for the Treatment of Prisoners;

"2. [Requests the Secretary-General to distribute the manual entitled Making Standards Work, prepared by Penal Reform International, among Member States for their use and consideration and to seek their advice with a view to preparing a subsequent version of the manual, for further consideration by the Commission];

"B. Information network and databases

"1. Requests the Commission on Crime Prevention and Criminal Justice to review the membership and databases of the United Nations Crime and Justice Information Network, with a view to increasing the participation in the Network of Member States, relevant intergovernmental and non-governmental organizations and academic and other research institutions;

"2. Requests the Secretary-General to seek the contributions of Member States in order to prepare, in cooperation with the institutes comprising the United Nations crime prevention and criminal justice programme network, for the consideration of the Commission at its fifth session, a draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system, commensurate with the priorities of the United Nations crime prevention and criminal justice programme;

"3. Also requests the Secretary-General to include in the above-mentioned initiative recommendations for improving the management and information functions of the Crime Prevention and Criminal Justice Branch and other elements of the United Nations crime prevention and criminal justice programme to reflect the resolve of the international community to pursue the programme priorities determined in accordance with the statement of principles and programme of action of the programme, annexed to General Assembly resolution 46/152 of 18 December 1991;

"4. Requests the Commission on Crime Prevention and Criminal Justice to consider the utilization of experts of interested Member States to advise the Secretary-General on technical cooperation projects related to paragraph 2 above, including their funding by the public and private sectors;

"5. Also requests the Commission on Crime Prevention and Criminal Justice, when implementing the above-mentioned recommendations, to take account of work already being carried out in the United Nations and other international organizations, such as the Council of Europe, in comparing national crime and criminal justice databases;

"IV. CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIMES IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

"1. Recommends that the Commission on Crime Prevention and Criminal Justice should consider the possible impact of migratory flows on urban criminality;

"2. Urges Member States to give attention to public awareness and to promote the role of information in crime prevention and requests the Secretary-General, in collaboration with specialized research centres and experts, to prepare a manual for public awareness campaigns, to be used to guide States in formulating national public awareness programmes;

"3. Approves the guidelines for cooperation and technical assistance in the field of urban crime prevention, which were finalized by the Commission on Crime Prevention and Criminal Justice at its fourth session;

"4. Requests the Secretary-General, within existing resources:

"(a) To continue studying the effects of criminality in urban areas, the factors contributing to it and measures for its effective prevention, taking into consideration recent developments in, inter alia, sociology, child and adolescent psychology, health, criminology and technology, including environmentally sound planning, city planning and housing design;

"(b) To organize seminars and training programmes to search for ways and means to prevent crime in urban and other areas;

"(c) To promote technical cooperation projects on the improvement of juvenile justice systems, taking into account the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

"5. Calls upon Member States, in cooperation with the entities comprising the United Nations crime prevention and criminal justice programme and other relevant bodies, to develop tried and tested crime prevention strategies that are capable of being adapted to local conditions, with particular reference to those presented at the workshops on urban policies and crime prevention, prevention of violent crime, and mass media and crime prevention held at the Ninth Congress;

"A. Firearms regulation for purposes of crime prevention and public safety

"1. Requests the Commission on Crime Prevention and Criminal Justice, at its fifth session, to consider, under a separate agenda item, the measures to regulate firearms commonly applicable in Member States, such as the prevention of transnational illicit trafficking in firearms, with a view to suppressing the use of firearms in criminal activities, taking into account the urgent need for effective strategies to ensure the proper regulation of firearms at the national and transnational levels;

"2. Requests the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental and other organizations active in the field of firearms regulation, especially the International Criminal Police Organization, *inter alia*, by regularly exchanging data and other information on, among other things, the following topics:

"(a) Criminal cases, accidents and suicides in which firearms are involved, including the number of such cases and the number of victims involved, and the status of firearms regulation by the law enforcement authorities;

"(b) The situation with regard to transnational illicit trafficking in firearms;

"(c) National legislation and regulations relevant to firearms regulation;

"(d) Relevant initiatives for firearms regulation at the regional and interregional levels;

"3. Also requests the Secretary-General to initiate a study on, inter alia, the topics listed in paragraph 2 above, in order to provide the Commission on Crime Prevention and Criminal Justice at its fifth session with a basis for its consideration of measures to regulate firearms;

"4. Endorses the work plan presented by the representative of the Secretary-General, as contained in paragraph 19, chap. III, of the report of the Commission on its fourth session, to implement Ninth Congress resolution 9;

"5. Requests the Secretary-General to collect information and consult with Member States on the implementation of the national measures outlined in Ninth Congress resolution 9, paragraphs 7 to 10;

"6. Invites all United Nations organs, bodies and specialized agencies and intergovernmental and other organizations active in the field of firearms regulation to provide the Secretary-General with views and proposals on their possible contributions towards the full implementation of Ninth Congress resolution 9;

"7. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its fifth session, on the implementation of Ninth Congress resolution 9, as well as the paragraphs above, and to submit to it recommendations for further concerted action at the national and transnational levels, including the possibility of seeking views of Member States on the preparation of a declaration;

"B. Children as victims and perpetrators of crime: effective application of United Nations standards and norms in juvenile justice

"1. Decides that the elimination of violence against children should be considered within the priority theme 'Crime prevention in urban areas, juvenile and violent criminality', of the United Nations crime prevention and criminal justice programme in the biennium 1996-1997;

"2. Recommends that the work in the area of elimination of violence against children should be undertaken in close collaboration with, inter alia, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the Commission on Human Rights, the Committee on the Rights of the Child and the United Nations Educational, Scientific and Cultural Organization;

"3. Calls upon the regional commissions of the Economic and Social Council, the institutes comprising the United Nations crime prevention and criminal justice programme network and other relevant entities to cooperate closely with each other in planning and implementing joint activities in the area of juvenile justice;

"4. Recommends that Strategies for Confronting Domestic Violence: a Resource Manual, which is based on a draft prepared by the Government of Canada, in cooperation with the Crime Prevention and Criminal Justice Branch and the European Institute for Crime Prevention and Control, affiliated with the United Nations, and currently available in English only, should be published in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

"5. Decides to integrate United Nations standards and norms in juvenile justice into the current process of information-gathering;

"6. Requests the Secretary-General to initiate the process of inviting the views of Member States on the elaboration of an international convention on the illicit traffic in children, which may embody necessary elements to efficiently combat this form of transnational organized crime;

"7. Also requests the Secretary-General, subject to the availability of extrabudgetary funding, to organize a meeting of an expert group on the prevention of the sexual exploitation of children for commercial purposes within the context of international travel (sex tourism);

"8. Further requests the Secretary-General to enhance inter-agency cooperation within the United Nations system in the field of administration of justice with regard to children and juveniles by, inter alia, using existing meeting possibilities, both at headquarters and at the regional and national levels, including the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as the Committee on the Rights of the Child and the special rapporteurs of the Commission on Human Rights concerned by this issue, with a view, in particular, to avoiding duplication and overlapping of activities;

"9. Further requests the Secretary-General to continue including in the various advisory services and technical assistance programmes specific arrangements for technical assistance in the field of criminal justice and the administration of justice, with regard to children; such assistance may include technical advice in law and criminal justice reform, including the promotion of alternative measures, such as alternatives to custody, diversionary programmes, alternative dispute resolution, restitution, family conferences and community services;

"10. Recommends that technical cooperation programmes in the field of administration of justice with regard to children should entail appropriate evaluation and follow-up procedures and that the United Nations Children's Fund, other relevant United Nations bodies, regional institutes affiliated with the United Nations, national institutions and non-governmental organizations should be involved as appropriate;

"11. Invites the Committee on the Rights of the Child, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the working group on arbitrary detention of the Commission on Human Rights to identify, in their reports, issues of particular concern with regard to the protection of children and juveniles in detention for their consideration under programmes of technical cooperation;

"12. Requests the Secretary-General to include in his reports on technical assistance programmes and advisory services in the field of criminal justice and the administration of justice the following aspects:

"(a) Existing possibilities for including specific needs of children and juveniles into concrete projects undertaken under those programmes;

"(b) Existing arrangements for the coordination of those programmes;

"(c) Current evaluation and follow-up procedures in that regard;

"(d) The scope for including projects for the promotion of alternative measures, such as alternatives to custody, diversionary programmes, alternative dispute resolution, restitution, family conferences and community services, under those programmes;

"(e) Possibilities for further strengthening United Nations action in this field through enhanced technical cooperation programmes;

"13. Invites the Secretary-General, taking into account the conclusions of the report referred to in the preceding paragraph, to consider ways of elaborating a programme of action aimed at promoting the effective use and application of relevant United Nations human rights instruments in the administration of justice with regard to children and of United Nations standards and norms in juvenile justice, giving due regard to the work accomplished by the Commission on Human Rights and in cooperation with the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and other agencies and organizations concerned, within existing resources;

"14. Requests the Secretary-General to submit a report on the implementation of these recommendations to the Commission at its fifth session and decides that the open-ended in-sessional working group of the Commission, at its fifth session, should seek ways to develop and undertake practical activities, including training, research and advisory services, to achieve the goal of preventing and eradicating violence against children;

"C. Elimination of violence against women

"1. Requests the Secretary-General to forward the resolution entitled "Elimination of violence against women", which was adopted in the Ninth Congress, to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing, from 4 to 15 September 1995;

"2. Urges the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within its priority themes and within the training and technical assistance efforts of the United Nations crime prevention and criminal justice programme;

"3. Requests the Secretary-General to seek the views of Member States, the institutes for crime prevention and criminal justice, affiliated with the United Nations, and governmental and non-governmental organizations, on a draft plan of action, in the context of crime prevention and criminal justice, on the elimination of violence against women that would provide practical and action-oriented suggestions on how to address this issue by means of, inter alia, legislative action, research and evaluation, technical cooperation, training and exchange of information;

"4. Also requests the Secretary-General, taking into account the views of the States, institutes and organizations mentioned in paragraph 3 above and the outcome of the Fourth World Conference on Women, to submit the draft plan of action to the Commission at its fifth session so that it may be discussed by the open-ended in-sessional working group of the Commission;

"5. Urges the Commission on Crime Prevention and Criminal Justice to cooperate closely on the issue of the elimination of violence against women with other United Nations bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Sub-commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on Violence against Women, its Causes and its Consequences, as well as with relevant experts and non-governmental organizations, as appropriate;

"6. Invites the institutes in the United Nations crime prevention and criminal justice programme network to promote and undertake practical activities to eliminate violence against women, including the provision of training and advisory services, to develop proposals on other measures that could be taken in the field of crime prevention and criminal justice to eliminate violence against women and to submit a report on those issues to the Commission on Crime Prevention and Criminal Justice at its fifth session;

"D. Victims of crime

"Requests the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power."

40. At its 12th meeting, on 9 June, the Commission had before it a revised draft resolution (E/CN.15/1995/L.13/Rev.1).

41. At the same meeting a statement on the programme budget implications of the draft resolution was made by the Director of the Division of Administrative and Common Services of the United Nations Office at Vienna (see annex V).

42. Statements were made by the representatives of Japan, France, United States of America, Germany, Sudan and Canada and by the observers for the Netherlands, South Africa and Egypt.

43. At the same meeting the observer for Turkey proposed that, in section II, operative paragraph 3 of the subsection entitled "Links between transnational organized crime and terrorist crimes", the word "should" be deleted between the words "working group" and "be established".

44. Statements were then made by the representatives of Japan, the United States of America, the Sudan and Canada and by the observers for Saudi Arabia, Egypt and Israel.

45. The Director of the Division of Administrative and Common Services responded to questions raised.

46. The Chairman also made a statement.

47. At the 13th meeting, on 9 June, the representative of Canada proposed that, in section I.B of the draft resolution, the words "which would meet during the first and second days of the Commission's fifth session" be inserted between the words "Criminal Justice" and "with the aim".

48. Statements were made by the representative of the Sudan and Finland and by the observers for Saudi Arabia and Egypt.

49. At the same meeting the observer for Turkey proposed the addition of the phrase "the working group can invite other relevant entities or seek views from them, as appropriate" at the end of the operative paragraph in section I.B.

50. Statements were made by the observers for Egypt and Saudi Arabia.

51. At the same meeting, the Commission approved draft resolution E/CN.15/1995/L.13/Rev.1, as orally amended, and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution I).

52. After the draft resolution was approved, the Chief of the Crime Prevention and Criminal Justice Branch made a statement.

Firearms regulation for the purposes of crime prevention and public safety

53. At its 13th meeting, on 9 June, the Commission had before it a draft resolution (E/CN.15/1995/L.6) entitled "Firearms regulation for the purposes of crime prevention and public safety", which read as follows:

"The Economic and Social Council,

"Bearing in mind that one of the purposes of the United Nations, as stated in Article 1 of the Charter of the United Nations, is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all,

"Recalling General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations crime prevention and criminal justice programme,

"Having considered ways and means of promoting international cooperation in the field of crime prevention and criminal justice and establishing, inter alia, effective crime prevention strategies,

"Bearing in mind Commission on Narcotic Drugs resolution 9 (XXXVI) of 7 April 1993, on the relationship between the illicit traffic in arms and explosives and illicit drug trafficking, in which the Commission recommended that States should consider establishing or improving appropriate controls on transfers of explosives, munitions and armaments,

"Taking note with appreciation of the Declaration and Programme of Action adopted by the World Summit for Social Development held at Copenhagen from 6 to 12 March 1995, in which the strengthening of efforts to control, inter alia, firearms and ammunition was required,

"Acknowledging that the General Assembly, in its resolution 49/159 of 23 December 1994, took note with appreciation of the conclusions and recommendations of the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

"Welcoming the resolution on firearms regulation for the purpose of crime prevention and public safety adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,

"Deeply concerned over the grave suffering in the international community caused by the high incidence of violent crimes, accidents and suicides involving the use of firearms, "Concerned that the high incidence of crimes, accidents and suicides involving the use of firearms is closely related to the abundance of firearms in society without appropriate regulation of their possession and storage or training in their use and, *inter alia*, to the fact that the persons who are most likely to use them for criminal activities have easy access to them,

"Recognizing that, owing to the incidence of use of firearms by minors, the conditions under which minors acquire and possess firearms require high vigilance,

"Affirming that, for purposes of crime prevention and public safety, the eradication of crimes, accidents and suicides involving the use of firearms is a goal that the international community should pursue,

"Determined to expand the scope of international cooperation in the field of firearms regulation, for purposes of crime prevention and public safety,

"Recognizing that criminal activities in which firearms are used have been increasing, in part because of an increase in illicit trafficking in firearms at both the national and transnational levels,

"Also recognizing that, with the increasing dimensions and scale of international transport and the increasing sophistication of transnational illicit trafficking, no State is immune from the effects of inadequate legislative and administrative regulation of firearms in other States,

"1. Declares that, for purposes of crime prevention and public safety, there is currently urgent need for effective strategies to ensure the proper regulation of firearms at both the national and transnational levels;

"2. Endorses the resolution on firearms regulation for the purpose of crime prevention and public safety adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

"3. Requests the Commission on Crime Prevention and Criminal Justice at its fifth session to consider, under a separate agenda item, the measures to regulate firearms commonly applicable in Member States, such as the prevention of transnational illicit trafficking in firearms, with a view to suppressing the use of firearms in criminal activities;

"4. Requests the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental and other organizations active in the field of firearms regulation, especially the International Criminal Police Organization, inter alia, by the regular exchange of data and other information on, among other things, the following topics:

"(a) Criminal cases, accidents and suicides in which firearms are involved, including the number of such cases and the number of the victims involved, and the status of firearms regulation by the law enforcement authorities;

"(b) The situation with regard to transnational illicit trafficking in firearms;

"(c) National legislation and regulations relevant to firearms regulation;

"(d) Relevant initiatives for firearms regulation at the regional and interregional levels;

"5. Also requests the Secretary-General to initiate a study on, *inter alia*, the topics listed in paragraph 4 above, in order to provide the commission on Crime Prevention and Criminal Justice at its fifth session with a basis for its consideration of measures to regulate firearms;

"6. Reiterates the need for allocating sufficient resources, both financial and human, to the Crime Prevention and Criminal Justice Branch of the Secretariat, in order to facilitate the activities of the United Nations in the field of firearms regulation;

"7. Endorses the statement made by the representative of the Secretary-General on the work programme to implement this resolution;

"8. Calls upon Member States and intergovernmental and other organizations active in the field of firearms regulation to extend their full support to the United Nations crime prevention and criminal justice programme and its activities in that field;

"9. Further calls upon Member States to promote the adequate regulation of firearms by means of both regulations and law enforcement, with a view to protecting public health and safety and to diminishing violent criminality;

"10. Invites Member States to take effective action against illicit trafficking in firearms, through mutual cooperation, the exchange of information and the coordination of law enforcement activities, considering that illicit trafficking in firearms is a widespread transnational criminal activity that frequently involves transnational criminal syndicates;

"11. Also invites Member States to examine the link between the use of firearms and accidents and suicides committed with firearms, and the effect of regulation on reducing their incidence;

"12. Further invites Member States to give due attention to promoting public awareness campaigns on firearms regulation, since the achievement of firearms regulation depends to a large extent on the confidence of the population, with the understanding and support of the general public;

"13. Urges all United Nations organs, bodies and specialized agencies to take up more seriously the issue of firearms regulation, within the framework of their mandates;

"14. Encourages interested intergovernmental and non-governmental organizations to contribute actively, in accordance with their areas of competence, to promoting firearms regulation;

"15. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifth session on the implementation of the Ninth Congress resolution on firearms regulation for the purpose of crime prevention and public safety, as well as the present resolution, and to submit to the Commission recommendations for further concerted action at the national and transnational levels, including the possibility of seeking views of Member States on the preparation of a declaration on the subject."

54. At the same meeting the representative of Japan made a statement in which his withdrew the draft resolution in the light of the decision by the Commission to recommend for adoption by the Economic and Social Council draft resolution E/CN.15/1995/L.13/Rev.1.

Chapter III

REVIEW OF PRIORITY THEMES

55. The Commission considered item 4 of its agenda at its 3rd, 4th, 5th, 8th and 10th to 12th meetings, on 31 May and 1 and 6 to 9 June 1995. It had before it the following documents:

(a) Report of the Secretary-General on proposals related to the programmatic aspects of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (E/CN.15/1995/2);

(b) Note by the Secretariat on additional information on measures to combat alien-smuggling (E/CN.15/1995/3);

(c) Report prepared by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders on the world situation with regard to international traffic in minors (E/CN.15/1995/4);

(d) Report of the Secretary-General on activities of United Nations bodies and institutions with regard to the issue of violence against women and children (E/CN.15/1995/5);

(e) Note verbale dated 25 May 1995 from the Permanent Mission of Italy to the United Nations (Vienna) addressed to the Director-General of the United Nations Office at Vienna, including the preliminary report of the meeting of the international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel, held at Rome from 17 to 18 May 1995 (E/CN.15/1995/11).

56. In introducing item 4, the Chief of the Crime Prevention and Criminal Justice Branch noted that, on the recommendation of the Commission at its first session, the Economic and Social Council had adopted resolution 1992/22. In section VI of that resolution, the Council had determined the priority themes that should guide the work of the Commission in the development of a detailed United Nations crime prevention and criminal justice programme and the budget allocations for the period 1992-1996.

57. He also noted that, pursuant to Economic and Social Council resolutions 1993/29 and 1994/12, the World Ministerial Conference on Organized Transnational Crime had been held at Naples. The Naples Political Declaration and Global Action Plan against Organized Transnational Crime had subsequently been approved by the General Assembly in its resolution 49/159. As had been recommended by the Economic and Social Council in its resolution 1994/13, the World Ministerial Conference had taken into account the conclusions and recommendations of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime. He informed the Commission that, in pursuance of the World Ministerial Conference resolution on the establishment of an international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel, the first meeting of the international task force had been held at Rome from 17 to 18 May 1995 and the Government of Italy had submitted to the Commission the results of that meeting (E/CN.15/1995/11). The Secretariat had prepared a note on additional information on measures to combat alien-smuggling (E/CN.15/1995/3), complementing the report of the Secretary-General on that subject (A/49/350 and Add.1). In addition, in accordance with its resolution 3/2, the Commission would consider the subject of international traffic in minors in the context of the discussion on organized transnational crime. To that end, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, in cooperation with the Secretariat, had prepared a report on the world situation with regard to international traffic in minors (E/CN.15/1995/4).

58. With respect to the priority theme of crime prevention in urban areas, juvenile and violent criminality, the Economic and Social Council, in its resolution 1994/20, had requested the Commission to finalize at its fourth session the proposed guidelines for cooperation and technical assistance in the field of urban crime prevention. In its resolution 3/1, the Commission had called for the elimination of violence against women and children, and had decided to continue at its fourth session its consideration of the issue. Moreover, the Ninth Congress in its resolutions 7 and 8 (A/CONF.169/16, chap. I) had called for action by the Commission with respect to that issue. In addition to the report of the Secretary-General (E/CN.15/1995/5) on activities of United Nations bodies and institutions with regard to the issue of violence against women and children, the Commission had before it three reports on the subject that had been submitted to other United Nations bodies (A/49/478, E/CN.4/1995/42 and E/CN.6/1995/9). It was hoped that making them available to the Commission would prevent duplication of work and improve coordination.

A. General discussion on the priority themes

59. A number of representatives referred to the resolutions of the Ninth Congress and to their relationship to the priority themes, which would be applicable until the end of 1996. It was suggested that elements of Commission resolution 1/1, entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme", should be applied to the resolutions of the Ninth Congress, in order to determine how they could be integrated into the work programme, taking into account their relationship with the established priorities. It was also suggested that when faced with a request for action, such as those contained in the resolutions of the Ninth Congress, the Commission had to determine whether such a request constituted a new priority theme or involved issues or activities to be dealt with under an existing priority theme. To assist it in its deliberations on item 4, the Secretariat, at the request of the Chairman, distributed the annex to Commission resolution 1/1. In this connection, it was noted that the Commission had to bear responsibility for any lack of direction in the development and implementation of policy.

60. Several participants considered that the priority themes determined by the Economic and Social Council should be reviewed for the period beyond 1996 in the light of the recommendations of the Ninth Congress and the World Ministerial Conference, which reflected the common interests and concerns of Member States. Those problems that were of paramount importance should be identified, and new priorities should be added to enable practical responses to be made to them. Priorities also had to be reviewed in the light of the resources available to implement the required activities. Other participants were of the view that the question of the priority themes should not prevent full consideration of the resolutions of the Ninth Congress, including follow-up action.

B. Organized transnational crime

61. All those who spoke on item 4 expressed their strong support for the Naples Political Declaration and Global Action Plan and their commitment to their implementation. It was pointed out that the fight against organized crime had become a top priority in the prevention of crime and the administration of justice. Organized crime was a world-wide phenomenon representing one of the most important public issues. Without regard to the degree of development of regions or the situation of individual States, criminal organizations were engaged in various forms of illegal activity (such as drug trafficking, firearms trafficking, smuggling of illegal migrants, trafficking in minors and supporting terrorist activities) that undermined the very foundations of democratic order. Criminal organizations were able to make use of new technologies and to develop effective cross-border links and networks.

62. It was pointed out that the first step in approaching the problem of organized crime in a rational and effective way must be to overhaul domestic legislation and to introduce vigorous reforms of criminal justice systems. At the same time, importance should be placed on the need for a global approach, ensuring a proper balance between prevention and control. The need for international cooperation was thus underlined. A call

was made for additional support in the areas of harmonization of legislation, mutual legal assistance, training, and the exchange of information and experiences.

63. With reference to the objective of enhancing international cooperation in the fight against organized crime at all levels, the representative of Italy reported on the results of the first meeting of the international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel, in accordance with the resolution adopted by the World Ministerial Conference. In the view of the international task force, it was preferable for the international training centre to be under the auspices of the United Nations. It was emphasized that the centre, which would be based at Rome, would focus its activities on operational matters, drawing on the expertise of government officials and magistrates. A managing board consisting of representatives of interested Governments, the Italian judicial and law enforcement administration and the Crime Prevention and Criminal Justice Branch could act as a steering committee. Each of the courses, seminars and workshops organized by the centre should be held for a period not to exceed four weeks and should take into consideration the geographical distribution of the participants. The Italian Government intended to provide the site for the centre, as well as its administrative staff and the infrastructure needed for its functioning. Other Governments would be invited to make voluntary contributions for the activities of the centre.

64. Several participants noted that one of the primary aims of transnational criminal organizations was profit-making. The investment of the proceeds of crime in legitimate economies undermined the functioning of international markets and financial institutions. Impeding money-laundering and the infiltration of legitimate economies was one of the main targets in the fight against organized crime. It was noted that adopting a partial approach to combating money-laundering allowed criminal organizations to take advantage of loopholes. There was a need for a global strategy to prevent and control money-laundering, accompanied by regional initiatives in that regard. The evolution of international markets and related financial institutions made effective, coordinated efforts essential. Accordingly, participants emphasized the urgency of making money-laundering a criminal offence in every country, as well as introducing measures aimed at the seizure and confiscation of the proceeds of crime. Mechanisms of international cooperation were required to facilitate investigations and improve mutual assistance. Furthermore, considerable attention should be given to ensuring transparency in financial institutions. States should make an effort to limit banking secrecy and to ensure that banking and non-banking financial institutions adopted regulations imposing customer identification and the reporting of suspicious transactions. Parallel to the development of control measures, considerable importance was given to the elaboration of codes of conduct and self-regulation mechanisms within business activities.

C. Links between terrorist crimes and organized transnational crime

65. A number of participants stressed the seriousness of the threats posed by terrorist acts and organized transnational crime to national and international security and stability, and to democracy. The international community should coordinate its efforts in the fight against terrorist crimes and organized transnational crime and should elaborate an internationally accepted definition of terrorism. Reference was made to the links between terrorism and illicit drug and arms trafficking. Terrorism should be considered a criminal activity, and its links with organized transnational crime should be explored further. Reference was made to the similarities between those two forms of criminality, including the use of weapons, money-laundering and training camps. There was material evidence that organized transnational criminal groups were heavily involved in terrorist crimes, providing terrorist groups with training, financial resources, arms and assistance in the planning and execution of terrorist operations and in the search for safe havens. In return, such groups benefited from the destabilized environment of countries in which terrorist groups were operating, since the attention of the law enforcement authorities was directed to the fight against terrorism, leaving them relatively free to pursue their nefarious aims.

66. It was noted that the Ninth Congress had adopted, by consensus, resolution 4, on links between terrorist crimes and transnational organized crime. In that resolution, the Ninth Congress had invited the Commission to take a number of initiatives in order to counter both of those phenomena and their linkages. For example, the Ninth Congress had invited the Commission to establish an open-ended intergovernmental working group to consider appropriate measures for combating transnational organized crime. It was emphasized that the Commission should take urgent action to implement the resolution. One participant, while expressing support for the resolution, also emphasized that a distinction should be made between acts of terrorism and the legitimate struggle of people subject to foreign occupation.

D. Illicit traffic in minors

67. In the context of the discussion on organized transnational crime, the attention of the Commission was drawn to the need for the international community to take measures to combat the illicit traffic in minors. The observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders introduced the report prepared by the Institute on that subject (E/CN.15/1995/4). It was noted by some participants that the phenomenon of traffic in minors went beyond national borders and that organized criminal groups were often involved.

68. Some participants expressed their support for resolution 7 of the Ninth Congress, on children as victims and perpetrators of crime. It was important that the Commission should initiate the process of requesting the views of States on the elaboration of an international convention on illicit trafficking in children, which could embody the necessary elements to efficiently combat that form of transnational organized crime. In its resolution 7, the Ninth Congress had invited States to examine ways, consistent with their national legal systems, of ensuring that the prosecution of illicit trafficking in children and other violent acts against them was not prevented by gaps in international cooperation and that those acts were effectively sanctioned.

E. Corruption

69. The attention of the Commission was also drawn to the issue of corruption. Corruption was seen as a phenomenon transcending national borders; it was commonly used by organized criminal groups to facilitate their activities. It was emphasized that there was a need for the Commission to discuss measures to combat corruption, especially in the light of the discussion in plenary held during the Ninth Congress on experiences in and practical measures aimed at combating corruption involving public officials. The discussion had yielded a number of valid practical suggestions on how to deal with that form of crime, both at the national and international levels. Support was expressed for the draft international code of conduct for public officials (A/CONF.169/14, annex I), prepared by the Secretariat, which was before the Commission for consideration. When finalized by the Commission, the international code could constitute an important tool for the operational activities of the programme, as well as for States wishing to include similar codes in measures to prevent and control corruption.

F. The role of criminal law in the protection of the environment

70. Some participants emphasized the importance of dealing with offences against the environment, particularly offences with transnational dimensions or offences committed by organized criminal groups. Industrialization was placing unprecedented pressure on the environment. In order to protect the environment adequately, States should impose stricter liability for environmental damage and enforce existing laws in that area. Several speakers stated that the protection of the environment should not depend solely on administrative law and that, in certain cases, criminal laws for offences against the environment should be treated separately, especially when the mental element of intention, or mens rea, was present. Criminal codes should include not only specific crimes against the environment, but also "generic crimes". National legislation should also include, where appropriate, regulations on corporate liability and transborder and extraterritorial crimes against the environment. School curricula should be developed to promote appropriate

values and respect for the environment among children and young people. Further discussion of practical activities to promote the role of criminal law in protecting the environment would be welcome. Such activities could include the preparation of a manual for practitioners, improved methods of exchanging evidence and the standardization of sampling and examination methods. The Crime Prevention and Criminal Justice Branch should continue to play a role in facilitating the exchange of national experiences and coordinating international cooperative action in that field.

G. Smuggling of illegal migrants

71. Smuggling of illegal migrants, which affected most, if not all, countries, could only be combated by concerted action. The individuals involved in smuggling illegal migrants tended to use organized criminal groups to carry out their plans. They bought forged and falsified travel documents for the migrants they were trafficking, undermining the authority of Governments. They bribed government officials, border guards, immigration officials, police and even higher-ranking government officials in order to achieve their goals. Bribery and corruption, in turn, undermined the trust of citizens in their Governments and weakened the rule of law.

72. The attention of the Commission was drawn to Economic and Social Council resolution 1994/14, on criminal justice action to combat the organized smuggling of illegal migrants across national borders. In that resolution, the Council had reaffirmed the need to observe fully international and national law in dealing with the smuggling of illegal migrants, including the provision of humane treatment and strict observance of the human rights of migrants. In the same resolution, the Council had emphasized that international efforts to prevent the smuggling of illegal migrants should not inhibit legal migration or freedom of travel, or undercut the protection provided by international law to refugees.

73. The observer for the European Institute for Crime Prevention and Control, affiliated with the United Nations, advised the Commission that the Institute had prepared a report on the ways in which Baltic and Scandinavian States were working together to counter alien-smuggling.

H. Crime prevention in urban areas, juvenile and violent criminality

74. Urban criminality was often linked to the uncontrolled growth of urban settlements. Several participants reaffirmed the importance of crime prevention in urban areas, as well as the prevention and control of juvenile delinquency and violent crime, in the work of the Commission. The links between crime, poverty and social justice were described as underlining the important role played by economic development and the alleviation of poverty in crime prevention. War and famine had driven children into urban areas, where, without parental care, they had to fend for themselves and were an easy prey to crime and delinquency. Women and children were often the first victims of armed conflicts.

75. Repressive measures alone had proved insufficient to tackle the problems of crime in urban areas and juvenile and violent criminality, which required comprehensive, integrated crime prevention policies. Many participants reaffirmed the importance of effective preventive strategies, which were multisectoral and multidisciplinary and involved the entire community. Some representatives reported that in their countries specific policies had been implemented that combined criminal legislation reform and efforts at enhanced prevention, rehabilitation and involvement of all actors, both from the public and the private sector. It was stated that law enforcement activities needed the support of the population and that the media played a significant role, as constructive coverage of crime-related issues was likely to stimulate public participation in combating crime.

I. Regulation of firearms

76. Some participants stressed that the regulation of firearms, although mostly discussed in the context of organized crime, also constituted a good way to reduce violent crime and should be given more weight under the priority theme of crime prevention in urban areas, juvenile and violent criminality. There was a correlation between (a) the high incidence of crime, suicide and accidents involving firearms and (b) the abundance of firearms, owing to a lack of firearms regulation. The Ninth Congress, in its resolution 9, on firearms regulation for purposes of crime prevention and public safety, had recommended that the Commission request the Secretary-General to initiate a study on a number of topics related to the regulation of firearms, to be submitted to the Commission at its fifth session. Some participants stated that the study was a step towards more effective action at the international level in that area.

77. A number of participants underlined the importance of the proper regulation of firearms, adding that it should be considered a priority among the activities of the Commission. Organized criminal groups were deeply involved in trafficking in firearms and no State was immune from the effects of the use of such firearms. It was important for the Commission to take the necessary steps to properly implement resolution 9 of the Ninth Congress. The Secretariat had, during the discussion on agenda item 3, informed the Commission of the work plan for the implementation of the resolution.

J. Violence against women

78. Violence against women was mentioned as one of the most frequent forms of violence. It had emerged as an issue of pressing importance at the third session of the Commission and at the Ninth Congress. It was stated that the Commission at its fifth session should discuss the formulation of a plan of action for the elimination of violence against women. Several activities in that field were reported, such as the training activities organized by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the advisory programme of the International Centre for Criminal Law Reform and Criminal Justice Policy.

K. Efficiency, fairness and improvement in the management and administration of criminal justice

79. Several participants noted the growing importance of the computerization of criminal justice systems and the need for an international electronic network that would provide a means of disseminating and exchanging information. Some participants stressed that the notion of good governance was intimately linked with the enhancement of sound crime prevention policies and consistent criminal justice management systems.

80. An efficient and fair criminal justice system was deemed a precondition for development and democracy. It was stressed that the sound administration of criminal justice was only possible if it was based on public trust. The independence and impartiality of criminal justice personnel, fair and effective criminal investigations and prosecutions and the effective treatment and rehabilitation of offenders were considered basic factors in the creation and maintenance of public confidence in the system.

81. Several participants identified the core areas in improving the management and administration of criminal justice and related systems. Those areas included the electronic exchange of information, particularly criminal justice data, the computerization of criminal justice administration and the collection, collation and analysis of data.

82. With reference to the electronic exchange of criminal justice data and information, several participants expressed the view that the United Nations should play a leading role in the transfer of know-how and statistics, particularly in the case of developing countries, so as to allow them to incorporate the experiences

made by other States and organizations. The expansion of communication technology had helped to create an environment in which information of all kinds, including criminal justice data and other policy-related information, could be readily disseminated. Several representatives felt that the United Nations Crime and Justice Information Network should be further developed and expanded to become a viable gateway for the global exchange of ideas, official documents, working papers, statistical data, statutes and other materials relevant to government officials, practitioners, policy makers and researchers involved in crime prevention and criminal justice.

83. The computerization of criminal justice administration was regarded as essential to the promotion of the modernization and efficiency of the various components of the criminal justice system and, therefore, to the establishment of the rule of law. It was acknowledged that there should be a dialogue on the compatibility of legislation, particularly in light of recent developments expanding the transnational nature of crime.

84. The essential role of the United Nations crime prevention and criminal justice programme in the collection, collation and analysis of data was highlighted by the suggestions of several participants that the Secretary-General should continue working on establishing and maintaining databases, or discharging related clearing-house functions, on issues such as technical cooperation, transnational crime, organized crime, firearms regulation and trafficking in aliens and minors.

85. At the end of the 5th meeting of the Commission, the Chairman summarized the most important elements which resulted from the debate of item 4 of the agenda. Several participants suggested that the existing priority themes guiding the work of the Commission should be maintained until the end of 1996. One participant stated that there was a need to identify priority issues among priority themes. The priority theme that drew the most comments from participants was the one on national and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment. In particular, great support was expressed for the outcome of the World Ministerial Conference on Organized Transnational Crime, and the following issues were highlighted during the discussion: money-laundering, regulation of firearms, environmental crime, corruption and links between organized transnational crime and terrorist crimes. Considerable attention was also devoted to the priority theme on crime prevention in urban areas, juvenile and violent criminality, and particularly to the issues of violence against children, traffic in minors, and violent criminality. It was stated that crime prevention and criminal justice had an important role to play in promoting sustainable social development, especially in the light of the results of the recent World Summit for Social Development. Reference was also made to the tasks of the United Nations crime prevention and criminal justice programme in the implementation of the priority themes, including collecting and analysing relevant information, facilitating the compatibility of national legislation and cooperating more closely with other United Nations bodies.

ACTION TAKEN BY THE COMMISSION

Guidelines for the prevention of urban crime

86. At the 10th meeting, on 7 June, the representative of France introduced a draft resolution (E/CN.15/1995/L.3) entitled "Guidelines for the prevention of urban crime". Subsequently, Belarus, Belgium,[45] Canada, Croatia,[45] Germany, Indonesia, Israel,[45] Italy, Japan, Madagascar, Morocco, Nicaragua, Saudi Arabia,[45] Tunisia and Uganda joined in sponsoring the draft resolution.

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[45] In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

87. At its 12th meeting, on 9 June, the Commission approved draft resolution E/CN.15/1995/L.3 and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution II).

Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries

88. At the 8th meeting, on 6 June, the representative of the United States of America introduced a draft resolution (E/CN.15/1995/L.4) entitled "Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries", which read as follows:

"The Economic and Social Council,

"Recalling that the General Assembly, in its resolution 48/102 of 20 December 1993, requested the Commission on Crime Prevention and Criminal Justice at its third session to consider giving special attention to the question of the smuggling of migrants, in order to encourage international cooperation to address that problem within the framework of its mandate,

"Recalling also its resolution 1994/14, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its third session, in which it, *inter alia*, condemned the practice of smuggling illegal migrants, recognized that such smuggling was a widespread criminal activity frequently involving highly organized international syndicates, acknowledged the substantial role played by organized transnational crime in such smuggling and called upon all States to take effective and expeditious measures, such as the enactment or amendment of domestic criminal law, providing appropriate penalties to combat all aspects of organized crime activities constituting such smuggling,

"Alarmed by the significant increase in activities of transnational criminal organizations that profit illicitly by smuggling illegal migrants and threatening the lives and human rights of migrants,

"Concentrating its attention on crime prevention and criminal justice, in particular the activities of those who organize and facilitate the smuggling of illegal migrants,

"Recognizing that organized international criminal groups are becoming increasingly active and successful in smuggling individuals across national boundaries,

"Recognizing also that by trafficking in illegal migrants such criminal groups often make enormous profits that are frequently used to finance numerous other criminal activities, thus bringing great harm to the States concerned,

"Concerned that such activities endanger the lives of the individual migrants involved and entail severe costs for the international community, including the costs of rescue, medical care, food, housing and transportation,

"Acknowledging that socio-economic factors influence the problem of illegal migrant smuggling and also contribute to the complexity of present international migration,

"Aware that smugglers, particularly in the State of destination of the illegal migrants being smuggled, often force migrants into forms of debt bondage or servitude, commonly involving criminal activities, in order to pay for their passage,

"Convinced of the need for all States to provide humane treatment and to protect fully the human rights of migrants, "Recognizing that such illegal smuggling activity has high social and economic costs, often contributing to official corruption, and burdens law enforcement agencies in all States where illegal migrants transit or are found,

"Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956, to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

"Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

"Concerned that the smuggling of illegal migrants undermines public confidence in policies and procedures for lawful immigration and for ensuring the protection of genuine refugees,

"Noting that the smuggling of illegal migrants can involve criminal activities in many States, including the State where the smuggling scheme was planned, the State of nationality of the migrants, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the migrants, States through which the migrants transit to their destination or in order to be repatriated, and the State of destination,

"Commending those States that have enacted effective domestic legislation permitting seizure and forfeiture of all property, both real and personal, that is knowingly used in organized criminal activities aimed at smuggling illegal migrants, as well as all property, both real and personal, that constitutes, or is derived from, the proceeds of the smuggling, illegal transport, or labour of illegal migrants,

"Gravely concerned that a significant number of States have not yet enacted domestic criminal legislation to combat all aspects of the smuggling of illegal migrants,

"1. Condemns once again the practice of smuggling illegal migrants in violation of international standards and national law, and without regard to the safety, well-being and human rights of the migrants;

"2. Recognizes that the smuggling of illegal migrants continues to be a widespread international criminal activity frequently involving highly organized international syndicates that traffic in human cargo, without regard for the dangerous and inhumane conditions to which illegal migrants are subjected, and in flagrant violation of domestic laws and international standards;

"3. Acknowledges the substantial role played by organized transnational crime in illegal migrant smuggling activities in many parts of the world;

"4. Urges States to share information, to coordinate law enforcement activities between national authorities in cooperation with the competent international bodies and carriers engaged in international transport, and to otherwise cooperate, consistent with their national legal principles, in order to trace and arrest those who organize the smuggling of illegal migrants and to prevent the illegal transport by smugglers of third-country nationals through their territory;

"5. Calls upon Member States and relevant specialized agencies and international organizations to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of organized smuggling of illegal migrants, including by promoting technical assistance in order to assist countries in developing and implementing policies to prevent, criminalize and punish the clandestine traffic in illegal migrants;

"6. Reaffirms the need to observe fully international and national law in dealing with the smuggling of illegal migrants, including the provision of humane treatment and strict observance of all human rights of migrants;

"7. Reiterates that international efforts to prevent the smuggling of illegal migrants should not inhibit legal migration or freedom of travel, or undercut the protection provided by international law to refugees;

"8. Encourages States to take prompt and effective preventive measures, such as increasing vigilance at coastal ports, airports and land borders, as well as enhancing professional skills of relevant personnel, to frustrate the objectives and activities of those who organize the smuggling of illegal migrants, thus protecting would-be migrants from exploitation and loss of life;

"9. Calls upon all States that have not yet done so to take effective and expeditious measures such as the enactment or amendment if necessary of domestic criminal law, supported by a range of administrative measures, providing appropriate penalties to combat all aspects of organized criminal activities constituting the smuggling and transport of illegal migrants, such as the production or distribution of false travel documents, money-laundering, extortion and misuse of international commercial aviation and maritime transport in violation of international standards;

"10. Welcomes the report of the Secretary-General and the note by the Secretariat on measures taken by Member States and relevant specialized agencies and intergovernmental organizations to combat the smuggling of illegal migrants, which were prepared pursuant to General Assembly resolution 48/102;

"11. Requests the Secretary-General to remind General Assembly Member States that have not yet done so of the importance of responding to the notes verbales sent to all Member States on 10 February and 9 June 1994 concerning the criminal legislation that they have enacted and other measures that they have taken to combat the smuggling of illegal migrants and to submit to the Commission at its fifth session an updated report on measures to combat such smuggling, containing a compilation and an analysis of the responses of Member States;

"12. Decides that the ever-growing problem of organized smuggling of illegal migrants across national borders requires the continuing scrutiny of the international community in general and should be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session in the context of the broader problem of organized transnational crime."

89. At its 12th meeting, on 9 June, the Commission had before it a revised text of the draft resolution (E/CN.15/1995/L.4/Rev.1), submitted by Germany and the United States of America.

90. At the same meeting, the Commission approved draft resolution E/CN.15/1995/L.4/Rev.1 and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution III).

Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

91. At its 11th meeting, on 8 June, the Commission had before it a draft resolution (E/CN.15/1995/L.7/Rev.1) entitled "Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime", submitted by Luigi Lauriola (Italy) on the basis of informal consultations held on agenda item 4. The text of the draft resolution read as follows:

"The Economic and Social Council,

"Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and urged States to implement them as a matter of urgency,

"Recalling also General Assembly resolutions 44/71 of 8 December 1989, 45/121 and 45/123 of 14 December 1990, 47/87 of 16 December 1992 and 48/103 of 20 December 1993 and its resolutions 1992/22 and 1992/23 of 30 July 1992, 1993/29 and 1993/30 of 27 July 1993 and 1994/12 and 1994/13 of 25 July 1994,

"Recalling further General Assembly resolution 46/152 of 18 December 1991, in which the Assembly approved the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, contained in the annex to that resolution,

"Emphasizing the need for strengthened and improved international cooperation at all levels and for more effective technical cooperation to assist States in their fight against organized transnational crime,

"1. Takes note of the report of the Secretary-General on proposals related to the programmatic aspects of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

"2. Requests the Commission on Crime Prevention and Criminal Justice to ensure and monitor full implementation of the Naples Political Declaration and Global Action Plan;

"3. Requests the Secretary-General to initiate the process of requesting the views of Governments on the opportunity and impact of international instruments such as a convention or conventions against organized transnational crime and on the issues and elements that could be covered therein, pursuant to the Naples Political Declaration and Global Action Plan;

"4. Also requests the Secretary-General, for the purpose of assisting the international community in increasing its knowledge of criminal organizations and their dynamics, to collect and analyse information on the structure and dynamics of organized transnational crime and on the responses of States to this problem, building on the experience and expertise of States and drawing on contributions from Governments, relevant organizations and individuals, taking into account work already done in this area;

"5. Further requests the Secretary-General to submit to Member States for their consideration at the fifth session of the Commission a proposal on the creation of a collection of existing legislative and regulatory measures and information on organizational structures designed to combat organized transnational crime, taking into account the capabilities of the United Nations Crime and Justice Information Network and the activities of other United Nations and relevant intergovernmental bodies, with a view to making this information available to requesting Member States;

"6. Urges Member States, entities of the United Nations system and relevant intergovernmental and non-governmental organizations to assist the Secretary-General in implementing the request contained in paragraph 5 above, also by providing relevant information and legislative and regulatory texts;

"7. Requests the Secretary-General to submit concrete proposals to the Commission for approval when necessary on the development of practical models of and practical guidelines for substantive and procedural legislation and building on the experience and expertise of States and drawing on contributions from relevant organizations to assist in particular developing countries and countries in transition, upon request, in reviewing and evaluating their legislation and in planning and undertaking reforms, taking into account

"8. Also requests the Secretary-General to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity-building and training, as well as in the implementation of the Naples Political Declaration and Global Action Plan;

"9. Further requests the Secretary-General to seek cooperation and join efforts with other international, global and regional organizations and mechanisms that have played an active role in combating money-laundering, to reinforce common regulatory and enforcement strategies in that area and to assist States upon request in assessing their needs, in treaty development and the development of criminal justice infrastructure and human resources by providing technical assistance and appropriate manuals to States, taking into account differences in legal systems, using the expertise and cooperation of all the institutes and other relevant entities of the United Nations crime prevention and criminal justice programme, including the International Scientific and Professional Advisory Council;

"10. Further requests the Secretary-General to avail himself of the assistance of experts with extensive experience in the field of prevention and control of organized crime indicated by Member States, who might be called upon in connection with technical cooperation activities;

"11. Welcomes with appreciation the preliminary report of the meeting of the international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel and encourages the Government of Italy and the Governments of the other States members of the international task force to continue and finalize its work, in accordance with the resolution adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, with a view to informing the General Assembly at its fiftieth session;

"12. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution, including proposals for further action aimed at the full implementation of the Naples Political Declaration and Global Action Plan."

92. The draft resolution was subsequently revised and circulated in document E/CN.15/1995/L.7/Rev.2, which was before the Commission at its 12th meeting, on 9 June.

93. At the same meeting, statements were made by the representatives of the United States of America and Japan.

94. The Chief of the Crime Prevention and Criminal Justice Branch replied to questions raised.

95. The Commission then approved draft resolution E/CN.15/1995/L.7/Rev.2 and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution IV).

Chapter IV

TECHNICAL COOPERATION AND STRENGTHENING OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

96. The Commission considered agenda item 5 at its 7th, 8th, 9th and 12th meetings, on 6, 7 and 9 June 1995. It had before it the following documents:

(a) Report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme (E/CN.15/1995/6);

(b) Report of the Secretary-General on proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme (E/CN.15/1995/6/Add.1);

(c) Report of the Secretary-General on strengthening the United Nations crime prevention and criminal justice programme (E/CN.15/1995/12).

97. In introducing item 5, the Chief of the Crime Prevention and Criminal Justice Branch noted that annex I of the report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme (E/CN.15/1995/6) provided a quick overview of operational activities initiated or carried out by the Branch from November 1993 to April 1995. Annex II of the report presented, for comments and approval by the Commission, a form elaborated by the Branch for providing information for the database on technical assistance needs in crime prevention and criminal justice. Annexes III and IV contained information on the fellowship programmes managed by the Branch.

98. The report of the Secretary-General on proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme (E/CN.15/1995/6/Add.1) consolidated information on three areas of activity carried out by the Branch: strengthening the electronic exchange of information, especially through the United Nations Crime and Justice Information Network; computerization of criminal justice administration; and improvement of the collection and dissemination of criminal justice data and information.

99. All those who spoke on item 5 emphasized the importance of technical cooperation. New dimensions of crime, particularly its transnational aspects, called for solutions requiring the strengthening of channels of cooperation, particularly in developing countries and countries in transition. In addition, countries faced with civil war, political turmoil or economic crises encountered difficulties in implementing comprehensive crime prevention and criminal justice policies. In many cases, there was hardly any funding available for law enforcement activities, while crime prevention and social programmes did not receive any financial support from the Government. Thus, technical cooperation was the only way to help such countries to carry out crime prevention activities. That was particularly true for the least developed countries. Many participants expressed the view that, the United Nations could assume an even greater role in assisting States upon request in such matters.

100. Technical cooperation could take the form of advisory services aimed at drafting new legislation, adapting model laws in countries, where necessary, and developing comprehensive national criminal legislation and codes. The two interregional advisers for crime prevention and criminal justice, who had recently taken up their duties, could play a very useful role in that area. One participant stated that, in connection with the dissolution of States and the emergence of successor States, such States should be offered advisory services on the legal aspects of the succession or adherence to international treaties on combating crime.

101. Many participants welcomed the training activities organized in their countries by the Branch. Training was deemed to be of particular importance, as it increased the skills of crime prevention and criminal justice practitioners, thus facilitating the implementation of new laws and policies. United Nations standards and norms in crime prevention and criminal justice provided a good basis for such training. In this context, reference was also made to manuals developed for use by the international community. Mediation and restitution, as well as social measures for the prevention of urban crime, were mentioned as important areas for potential technical cooperation.

102. Some participants, referring to the relevance of crime prevention and criminal justice in the context of peace-keeping operations, stated that the lack of a functioning justice system to bring criminals and violators of human rights to justice often made the peace-keeping objective unachievable. Therefore, efforts should be made for peace-keeping operations to include, at the outset, a criminal justice component aimed at reconstituting local judicial structures.

103. Many participants emphasized that the effectiveness and credibility of the programme depended on its capacity to deliver assistance. Although within the framework of the programme efforts had been made to further develop training activities and advisory missions, the programme remained financially weak, which affected its ability to respond to requests for technical assistance. Such activities required tangible support by the international community for the programme, particularly in the form of extrabudgetary contributions to the United Nations Crime Prevention and Criminal Justice Fund. An appeal was made to donor countries to substantially increase their financial support. In addition, many participants emphasized the urgent need to increase the human and financial resources available to the Branch and to upgrade it into a division.

104. The exchange of information, through the clearing-house functions of the programme, was considered to be an important part of technical cooperation. Representatives of Member States expressed the hope that the Branch would be in a position to further develop databases on various crime and justice topics listed in the report of the Secretary-General (E/CN.15/1995/6/Add.1) on proposals for improving the clearing-house capacity of the programme. Those databases, which should be accessible via the United Nations Crime and Justice Information Network, were regarded as essential to determining future policy direction, enabling information on crime prevention and criminal justice to be gathered and disseminated on a global scale. A computer demonstration of the Network was presented to the Commission. During the demonstration the further development of databases was reviewed. The demonstration also provided the participants with a glimpse of possible future dimensions of the Network, including its proposed expansion into an on-line crime and justice clearing-house.

105. Many participants expressed the view that the Branch should receive adequate resources to be able to develop and maintain such databases in the near future. Some participants requested more details on the present and future capacity of the Branch to manage the databases. Concern was expressed about the fact that the report of the Secretary-General (E/CN.15/1995/6/Add.1) on proposals for improving the clearing-house capacity of the programme did not contain a statement on the financial implications involved in undertaking such projects, in accordance with Commission resolution 3/3. Thus, the Commission had not received the necessary guidance for planning and allocation of resources. One year had been lost in the efforts to expand and improve the clearing-house functions of the Branch.

106. All those who spoke on item 5 stated that, in order to optimize programme implementation, it was important to expand cooperation with the different United Nations entities, particularly the Centre for Human Rights, UNDCP and UNDP, and to reinforce working relations with the International Criminal Police Organization and relevant intergovernmental and non-governmental organizations.

107. The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution

reintegration of both abused children and those who exploited them. She stressed the need for better coordination of programmes affecting children and for increased exchange of information.

108. The institutes comprising the programme network constituted a viable resource of skills and experience. The observer for the African Institute for the Prevention of Crime and the Treatment of Offenders described the positive recent developments in the managerial and financial situation of that institute. The observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders described efforts undertaken in the previous year to restructure that institute in order to ensure a more efficient provision of services. He informed the Commission of the multilateral approach of the Latin American Institute, which was aimed at involving all States in the region in the management and financing of its programmes.

109. The observers for the United Nations Interregional Crime and Justice Research Institute, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the International Centre for Criminal Law Reform and Criminal Justice Policy informed the Commission of their programmes of work. The observer for the International Scientific and Professional Advisory Council presented a training manual for prison staff that had been tested in various seminars organized by the Branch. The training manual had been designed to be adapted to the circumstances prevailing in the various regions of the world.

ACTION TAKEN BY THE COMMISSION

Establishment of a clearing-house for international projects in the field of crime prevention and criminal justice

110. At the 9th meeting, on 7 June, the representative of the United States of America introduced a draft resolution (E/CN.15/1995/L.5) entitled "Establishment of a clearing-house for international projects in the field of crime prevention and criminal justice", which read as follows:

"The Economic and Social Council,

"Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly decided that the United Nations crime prevention and criminal justice programme should be devoted to providing States with practical assistance to achieve the goals of preventing crime and improving the response to crime,

"Recalling also its resolution 1994/22 of 25 July 1994, in which it requested the Secretary-General to establish a database on technical assistance, integrating needs of Member States, particularly developing countries, as well as on existing collaborative arrangements and funding, taking into account regional concerns,

"Recognizing the need for maximum efficiency and effective utilization of increasingly scarce developmental assistance at a time of growing difficulties in the prevention and control of crime,

"Noting that, in recent years, many international projects on crime prevention and criminal justice have targeted States in central and eastern Europe, including States members of the Commonwealth of Independent States,

"Fully aware that international cooperation is essential to successful efforts against international criminal activity,

"Recognizing that there is no existing central repository with information on planned, ongoing or projected training and other projects in the field of crime prevention and criminal justice, "1. Invites all Member States, international organizations and other entities engaged in collaborative training and technical assistance projects in central and eastern Europe in the field of crime prevention and criminal justice to contribute information to a regional clearing-house with a view to, inter alia, promoting the exchange of information to assist policy makers in all Member States in better allocating resources, identifying potential partners in cooperative projects and opportunities for collaborative action and enhancing support for an incremental approach to improving crime prevention and criminal justice, on the understanding that any information provided for the database of the clearing-house may be restricted at the request of the provider;

"2. Welcomes the offer of the European Institute for Crime Prevention and Control, affiliated with the United Nations, to manage the database;

"3. Requests the Secretary-General to consult and cooperate with the European Institute for Crime Prevention and Control, affiliated with the United Nations, in initiating a project to establish a regional database on international training and technical assistance projects in the field of crime prevention and criminal justice which, upon completion, would provide interested Governments, international organizations and other entities with information on concluded, ongoing or planned international projects;

"4. Recommends that the Secretary-General should view the project as a pilot project aimed at demonstrating the utility of a regional database on crime prevention and criminal justice, with a view to considering additional regional databases or a global database on the subject."

111. At its 12th meeting, on 9 June, the Commission had before it a revised text of the draft resolution (E/CN.15/1995/L.5/Rev.1), which the observer for Belgium[45] subsequently joined in sponsoring.

112. At the same meeting, the Commission approved draft resolution E/CN.15/1995/L.5/Rev.1 and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution V).

Succession of States in respect of international treaties on combating various manifestations of crime

113. At the 9th meeting, on 7 June, the representative of the Russian Federation, on behalf of Belarus, Finland, Poland, Russian Federation, Sri Lanka and United Kingdom of Great Britain and Northern Ireland,[45] introduced a draft resolution (E/CN.15/1995/L.11) entitled "Succession of States in respect of international treaties on combating various manifestations of crime". Subsequently, Belgium,[45] Germany, Spain[45] and the United States of America joined in sponsoring the draft resolution.

114. At the 12th meeting, on 9 June, the Secretary of the Commission advised the Commission that, as a result of informal consultations, it had been agreed to replace, in operative paragraph 3, the word "adherence" by the words "of becoming party".

115. At the same meeting, statements were made by the representatives of the United Kingdom, the Russian Federation, the United States of America and Argentina and by the observers for Spain and Croatia.

116. The Commission then adopted draft resolution E/CN.15/1995/L.11, as orally revised (see chap. I, sect. D, resolution 4/1).

Technical cooperation and interregional advisory services in crime prevention and criminal justice

"Technical cooperation and interregional advisory services in crime prevention and criminal justice". Subsequently, Colombia, Egypt,[45] Ethiopia,[45] Germany, Indonesia, Morocco, Nicaragua and Portugal[45] joined in sponsoring the draft resolution.

118. At its 13th meeting, on 9 June, the Commission was advised that, as a result of informal consultations, the following changes to the draft resolution had been agreed upon:

(a) In the fourth preambular paragraph the words "is an essential element" were replaced by the words "is one of the essential elements";

(b) In the fifth preambular paragraph the words "in this area" were inserted after the word "States";

(c) In operative paragraph 4, the word "strengthen" was replaced by the word "improve" and the words "at their request" were inserted after the words "Member States";

(d) In operative paragraph 10, the word "Welcomes" was replaced by the words "Takes note";

(e) In operative paragraph 13, the words "further develop its operational capacity and to allow adequate support" were replaced by the words "provide better planning support".

119. At the same meeting, the Commission approved draft resolution E/CN.15/1995/L.15, as revised, and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution VIII).

Chapter V

UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

120. The Commission considered item 6 of its agenda at its 6th meeting, on 2 June 1995. It had before it the following documents:

(a) Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1995/7);

(b) Addendum to the report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice: the development of United Nations minimum rules for the administration of criminal justice (E/CN.15/1995/7/Add.1);

(c) Report of the Secretary-General pursuant to Commission on Human Rights resolution 1993/80, on the expert group meeting on children and juveniles in detention: application of human rights standards (E/CN.4/1995/100);

(d) Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation of Business and Professional Women, Zonta International (category I); Arab Lawyers Union, Caritas Internationalis (International Confederation of Catholic Charities), Fundación de Ayuda contra la Drogadicción, International Abolitionist Federation, International Association of Juvenile and Family Court Magistrates, International Association of Lions Clubs - Lions Club International, International Council on Alcohol and Addictions, International Federation of Social Workers, International Federation of University Women, Italian Centre of Solidarity, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, World Association of Girl Guides and Girl Scouts, World Leisure and Recreation Association (category II); International Inner Wheel, International Round Table for the Advancement of Counselling (roster) (E/CN.15/1995/NGO/1).

121. In introducing item 6, the Chief of the Crime Prevention and Criminal Justice Branch emphasized the vital importance of United Nations standards, norms, guidelines and model treaties in crime prevention and criminal justice. Such instruments represented internationally agreed upon principles of desirable practice on the basis of which Governments could assess their own systems and could contribute to the further development of the rule of law. Many of the standards provided a basis for domestic legislation and bilateral and multilateral cooperation to combat national and transnational forms of crime. Great importance was accorded to effective cooperation and coordination of activities with other United Nations entities, such as the Centre for Human Rights of the Secretariat, regional institutions and interested intergovernmental and non-governmental organizations.

122. Many participants stated that the wide dissemination of United Nations standards and norms in crime prevention and criminal justice would enable policy makers and criminal justice practitioners to pursue their daily tasks in the administration of justice in a more fair and humane manner. Technical cooperation programmes and advisory services, including training programmes and fellowships, as well as the development of manuals, were considered crucial in promoting the use and application of such standards and norms. Particular attention should be given to the promotion of such instruments among interested intergovernmental and non-governmental organizations and the academic world, especially law students, as well as among the general public.

123. The reasons given for States not applying such standards and norms in their criminal justice systems included differences in legal mechanisms, ignorance of such instruments, lack of concern and lack of resources. The problems of ignorance and lack of concern could be resolved to some extent by publishing in the languages of the country in question, and disseminating the *Compendium on United Nations Standards and Norms in Crime Prevention and Criminal Justice*,[30] as the Government of Portugal had done. The representative of the Republic of Korea noted that the translation of the *Compendium* into Korean was nearing completion.

124. Several participants stated that the implementation of existing United Nations standards and norms was a prerequisite to effective crime prevention and criminal justice. Concern was expressed that the Commission had spent so much time reviewing methods and timetables at the expense of doing practical work. The time had come for action. Previous sessions of the Commission had been spent setting priorities and defining strategies and schedules, and the Branch had then translated those directives into practice. Examples were the excellent questionnaires prepared by the Branch and approved by the Commission. The drive towards implementation, the preparation of results of current surveys and the elaboration of another set of questionnaires should be continued as a matter of priority. Implementation was the *sine qua non* of the work of the Commission.

125. Many representatives and several observers for non-governmental organizations noted that the process of information-gathering by means of surveys and contributions from other sources should continue. The establishment of a database was considered a step in the right direction to promote the use and applications of United Nations standards and norms in crime prevention and criminal justice. The process of reviewing specific standards or groups of standards by means of questionnaires should continue without delay.

126. Some participants emphasized the great importance of such international standards for countries in transition, which could rely on the standards when reforming their legal systems and elaborating and implementing criminal codes and international treaties. Another area of priority concern was the effective planning and formulation of national policies for crime prevention and criminal justice strategies.

127. The Commission was informed about the establishment of an International Association of Prosecutors, following the initiative of the Hungarian National Association of Prosecutors and the Hungarian Government.

128. In summarizing the discussion, the Chairman reaffirmed the need to focus on providing assistance to interested Governments in the use and application of such international standards, to identify problems that might impede implementation and to develop proposals for viable solutions. That would require, among other things, increased liaison with universities and other academic institutions, as well as the preparation of manuals, handbooks and research papers on the subject. The Chairman underlined the important role of non-governmental organizations in that field and the importance of further training of law enforcement and criminal justice personnel. The Chairman also expressed the appreciation of the Commission for the work accomplished by the open-ended in-sessional working group.

ACTION TAKEN BY THE COMMISSION

United Nations standards and norms in crime prevention and criminal justice

129. At its 12th meeting, on 9 June, the Commission had before it a draft resolution (E/CN.15/1995/L.9) entitled "United Nations standards and norms in crime prevention and criminal justice", submitted by the Chairman.

130. At the same meeting, the representative of the Islamic Republic of Iran proposed that, in operative paragraph 12, the words "the Centre for Human Rights of the Secretariat" be replaced by the words "Office

131. The Commission then approved draft resolution E/CN.15/1995/L.9, as orally amended, and recommended it to the Economic and Social Council for adoption (see chap. I, sect. B, draft resolution VI).

Action against corruption

132. At the 11th meeting, on 8 June, the observer for the Netherlands.[45] also on behalf of Argentina, introduced a draft resolution (E/CN.15/1995/L.10) entitled "Action against corruption". Subsequently, Angola, Belarus, Burundi, Colombia, Croatia,[45] Israel,[45] Italy, Madagascar, Republic of Korea, Saudi Arabia,[45] Spain[45] and Uganda joined in sponsoring the draft resolution.

133. At the 12th meeting, on 9 June, the Secretary of the Commission read out the following revisions to the draft resolution, which had been agreed to during informal consultations:

(a) The first preambular paragraph, which had read:

> "Alarmed at the seriousness of problems posed by corruption, which endangers the stability and security of societies, undermines the values of democracy and morality, jeopardizes social, economic and political development and threatens peace";

was replaced by the following text:

> "Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development";

(b) In the second preambular paragraph the word "Also" was inserted before the word "Concerned";

(c) In the third preambular paragraph, the words "currently crosses national borders and affects" were replaced by the words "can cross national borders and affect";

(d) In the fourth preambular paragraph, the words "in particular developing countries and countries in transition" were deleted at the end of the paragraph;

(e) Operative paragraph 1, which read:

> "Urges States to develop and implement specific and comprehensive anti-corruption strategies that will emphasize and ensure transparency and accountability, adopting and enforcing criminal and administrative law measures, including legislation to regulate and sanction corporate behaviour and foresee the forfeiture of proceeds derived from corrupt practices";

was replaced by the following text:

> "Urges States, as necessary, to develop and implement specific and comprehensive anti-corruption strategies to enhance accountability by adopting and enforcing civil, administrative, fiscal and criminal law measures emphasizing, inter alia, transparency and fairness, including legislation to regulate and sanction corrupt forms of corporate behaviour and provide for the forfeiture and/or confiscation of proceeds derived from corrupt practices";

(f) In operative paragraph 2, the phrase "and adjudication of corrupt practices, by creating special public awareness and education programmes" was replaced by the phrase "prosecution of corrupt practices,

(g) In operative paragraph 4, the words "with appreciation" after the words "Takes note" were deleted and the words "as a useful tool in the fight against corruption" after the word "Governments" were deleted;

(h) In operative paragraph 6, the words "complemented by the draft international code of conduct for public office holders" after the words "its use" were deleted;

(i) In operative paragraph 7, the word "closely" before the word "cooperate" was deleted; the words "within their respective mandates" were inserted after the word "organizations", and the word "operational" before the word "activities" was deleted.

134. The representative of Japan proposed the deletion, in operative paragraph 2, of the word "special" after the word "promoting".

135. The observer for Spain made a statement.

136. At the same meeting, the Commission approved draft resolution E/CN.15/1995/L.10, as orally revised and amended, and recommended it to the Economic and Social Council for adoption (see chap. I, sect. 3, draft resolution VII).

Proposal for the development of minimum rules for the administration of criminal justice

137. At its 11th meeting, on 8 June, the Commission had before it a draft resolution (E/CN.15/1995/L.12) entitled "Proposal for the development of minimum rules for the administration of criminal justice", submitted by the Vice-Chairman of the Commission, Masuma Hasan (Pakistan), in her capacity as chairman of the open-ended in-sessional working group.

138. At the 12th meeting, on 9 June, the Secretary of the Commission advised the Commission that, as a result of informal consultations, it had been agreed, in the operative paragraph, to insert the words "the advisability and on the specific content of" between the words "on" and "the draft minimum rules for" and to delete the words "and to provide specific comments on the draft minimum rules" after the words "of criminal justice".

139. At the same meeting, the representative of Colombia proposed amendments to the draft resolution whereby:

(a) In the second preambular paragraph, the words "and adopting" after the word "preparing" would be deleted;

(b) In the operative paragraph, the words "and from other appropriate sources" after the words "from States" would be deleted.

140. Statements were made by the representatives of the United States of America and Germany and by the observer for Spain.

141. At the 13th meeting, on 9 June, the Chief of the Crime Prevention and Criminal Justice Branch made a statement on a point of clarification.

142. At the same meeting, following a statement by the representative of Germany, the Commission adopted draft resolution E/CN.15/1995/L.12, as orally revised and as amended by the representative of Colombia in paragraph 139 (b) above (see chap. I, sect. D, resolution 4/2).

Chapter VI

COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

143. The Commission considered agenda item 7 at its 7th meeting, on 6 June 1995. It had before it the following documents:

(a) Report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme (E/CN.15/1995/8);

(b) Report of the Secretary-General on activities of the United Nations Interregional Crime and Justice Research Institute and other institutes, including the African Institute for the Prevention of Crime and the Treatment of Offenders (E/CN.15/1995/9);

(c) Addendum to the report of the Secretary-General on activities of the United Nations Interregional Crime and Justice Research Institute and other institutes, including the African Institute for the Prevention of Crime and the Treatment of Offenders: nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1995/9/Add.1).

144. The Chief of the Crime Prevention and Criminal Justice Branch, in his introductory statement, noted that cooperation and coordination of crime prevention and criminal justice activities had been on the agenda of the Commission since its establishment. He referred to Economic and Social Council resolution 1992/22, section IV, in which the modalities for coordinating such activities within the United Nations system were set out. Closer collaboration was not only important in enhancing the efficiency and quality of work of the programme, but was also essential to all efforts to reduce the negative impact of crime on society.

145. Since the third session of the Commission, the Branch had continued its efforts to enhance cooperation with other United Nations bodies and other entities. In response to requests by the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, the Branch had established closer ties with the United Nations International Drug Control Programme (UNDCP). The Branch and UNDCP had jointly prepared a report (E/CN.7/1995/15/Add.2) on strengthening system-wide cooperation and coordination in drug control, which was submitted to the Commission on Narcotic Drugs at its thirty-eight session. That report had been incorporated into the report of the Secretary-General (E/CN.15/1995/8, paras. 8-19) on cooperation and coordination of activities in crime prevention and criminal justice, including activities of UNDCP. The attention of the Commission was drawn to Commission on Narcotic Drugs resolution 9 (XXXVIII), entitled "Operational measures to ensure and strengthen cooperation between the United Nations International Drug Control Programme and the Crime Prevention and Criminal Justice Branch of the Secretariat". The Branch had also established closer links with the United Nations Development Programme (UNDP). For example, the Branch had been actively involved in the First Meeting of the Multilateral Task Force on Democracy, Governance and Participation in Central and Eastern Europe and the Commonwealth of Independent States, organized by UNDP at Geneva from 16 to 18 January 1995. It was expected that, as a result of that meeting, a memorandum of understanding would be signed in the near future. In addition, the Branch had undertaken joint activities with the Department of Peace-keeping Operations, the Centre for Human Rights, the United Nations Children's Fund, the United Nations Educational, Cultural and Scientific Organization and other United Nations entities.

146. Great importance continued to be placed on coordination of activities with the institutes comprising the United Nations crime prevention and criminal justice programme network. One serious concern in that area was the poor financial situation of several of the regional institutes for the prevention of crime and the

treatment of offenders, affiliated with the United Nations. In particular, the African Institute for the Prevention of Crime and the Treatment of Offenders and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders were faced with severe financial problems.

147. The work of the Branch in assisting Member States was commended. A number of participants, however, stressed the need for continued coordination of efforts with other United Nations bodies and other entities.

148. Several participants emphasized the advantages of providing regular opportunities for practitioners in the various areas of crime prevention and criminal justice to get together to exchange views and experiences at the regional level. With respect to the strengthening of cooperation in law enforcement, it was suggested that the head of the International Criminal Police Organization should be invited to address the Commission at each of its sessions. The Crime Prevention and Criminal Justice Branch should be represented at the upcoming session of the General Assembly of the International Criminal Police Organization, to be held in September 1995 at Beijing.

149. Many participants referred to resolution 3/5 of the Commission on Crime Prevention and Criminal Justice, in which the Commission had recommended the expansion of coordinated activities involving the Branch and UNDCP. A number of participants welcomed both the report jointly prepared by the Branch and UNDCP (E/CN.7/1995/15/Add.2) on strengthening system-wide cooperation and coordination in drug control and the extent of the continued coordination between the Branch and UNDCP, especially regarding operational activities. Several joint activities were particularly praiseworthy, such as the projects in Belarus, Pakistan and Ukraine, which involved cooperation in the control of the proceeds of crime and money-laundering. Some participants expressed their approval of the contribution of UNDCP to the workshop entitled "Extradition and international cooperation: exchange of national experiences and implementation of relevant principles in national legislation", held as part of the programme for the Ninth Congress. It was stated that the Branch and UNDCP were well-placed to foster close coordination, as they were both based at Vienna.

150. Several participants noted that both drug abuse and the illicit drug trafficking operations of organized criminal groups were spreading in many countries throughout the world. As the issues of crime and illicit drugs were intertwined, it was important that cooperation between the Branch and UNDCP should continue to be enhanced.

151. One participant suggested that, on the provisional agenda for the fifth session of the Commission, the title of the item should be changed to read "Cooperation with other organizations affiliated or associated with the United Nations and coordination of their activities".

152. Observers for the institutes comprising the crime prevention and criminal justice programme network spoke on efforts undertaken to strengthen cooperation and coordination among the institutes in the programme network affiliated or associated with the United Nations. At the Ninth Congress, the institutes had made a joint presentation on the programme network. It was stressed that considerable effort was being made by the institutes comprising the programme network to ensure that their activities complemented each other rather than competing with each other and to enhance cooperation to the greatest extent possible. In an effort to further coordinate the activities of the institutes with those of the programme, the annual joint programme coordination meeting of the programme network should be held later in the year to facilitate follow-up to the recommendations of the Commission.

153. The rationale for the creation of the programme network had been to establish a structure that would support and secure the implementation of the work of the programme. The institutes had continuously worked towards that objective. They had on many occasions been instrumental in enabling Governments to meet their needs in crime prevention and criminal justice. Special recognition was given to the training

seminars and workshops of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, which brought law enforcement officers in that region together to discuss and exchange experiences. The African Institute for the Prevention of Crime and the Treatment of Offenders was commended for its efforts to provide assistance to Member States in that region in spite of its difficult financial situation. Reference was also made to the work undertaken in support of the programme by the International Centre for Criminal Law Reform and Criminal Justice Policy. The Centre had been particularly active in such areas as the administration of corrections and domestic violence against women. The work of the International Centre for the Prevention of Crime with respect to the prevention of crime and, in particular, the prevention of urban crime, was also mentioned. Member States interested in contributing to its activities were invited to join its Advisory and Policy Committee, already composed of Canada and France.

154. Although the programme network had been recognized as an essential component of the programme and the institutes comprising the programme network largely received their mandates from Member States, as well as the Commission, their activities were almost entirely financed through extrabudgetary resources. Because of the decrease in resources, it was becoming increasingly difficult for them to fulfil their mandates; for some of them, the situation had reached the point where it had become a matter of survival. The Commission was therefore urged to recognize the difficulties facing a number of the institutes and to consider measures to ensure the viability of the programme network and hence the programme itself. It was suggested that the issue should be discussed more fully by interested participants as soon as possible.

155. Several participants referred to the increased cooperation with non-governmental organizations as an important ingredient in the development of policy within the programme.

ACTION TAKEN BY THE COMMISSION

Appointment of Members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

156. At its 7th meeting, on 6 June, the Commission considered the question of the appointment of the Members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

157. The following candidates had been nominated by the Secretary-General (see E/CN.15/1995/9/Add.1):

From Africa: Tolani Asuni (Nigeria) and Adedokun A. Adeyemi (Nigeria);

From Eastern Europe: Dušan Cotič (Yugoslavia) and Károly Bárd (Hungary);

From Europe: Jan J. M. van Dijk (Netherlands)

158. The Chairman informed the Commission that Dušan Cotič (Yugoslavia) had withdrawn his candidacy.

159. The Commission then voted to select the member from Africa: Adedokun A. Adeyemi (Nigeria) (see chap. I, sect. C, draft decision I).

Chapter VII

PROGRAMME QUESTIONS

160. The Commission considered item 8 of its agenda at its 9th, 10th, 11th and 13th meetings, from 7 to 9 June 1995. It had before it a note by the Secretary-General (E/CN.15/1995/10) on the proposed programme of work in crime prevention and criminal justice for the biennium 1996-1997, as well as the relevant excerpts of the report of the Committee for Programme and Coordination (A/49/16).

161. In introducing the item, the Chief of the Crime Prevention and Criminal Justice Branch stated that the proposed programme of work was reflected in section 13 (Crime control) of the proposed programme budget for the biennium 1996-1997 (A/50/6/Sect.13). It would become final upon approval by the Fifth Committee of the General Assembly, at its fiftieth session. The proposed programme of work was consistent with the statement of principles and programme of action approved by the General Assembly in its resolution 46/152 and with the priority themes determined by the Economic and Social Council in its resolution 1992/22, section VI.

162. The Chief of the Branch stressed the importance of programme performance evaluation, and the need to regularly monitor the programme of work. In this connection, he called the attention of the Commission to the relevant parts of the report of the Secretary-General on the programme performance of the United Nations for the biennium 1992-1993 (A/49/35 and Add.1).

163. The Chief of the Branch noted that, according to the proposals of the Secretary-General, the Branch would be upgraded to a division, in order to reflect the expanded mandates given to it by the General Assembly and the Economic and Social Council, with two additional posts at the Professional level. Section 13 of the proposed programme budget for the biennium 1996-1997 was being considered by the Committee for Programme and Coordination, meeting in New York. It would also be considered by the Advisory Committee on Administrative and Budgetary Questions.

164. The provision of some added resources and the upgrading of the Branch were welcomed by virtually all those who spoke on item 8. It was stated that the development marked the beginning of a process that would hopefully lead to further reinforcement of the programme in response to the multiple resolutions calling for its strengthening. It was noted that the Branch was the only international body entrusted with carrying out and coordinating a wide variety of criminal justice and crime prevention activities and that it was therefore most important to give it its full worth and proper status.

165. Participants expressed their support for the recommendations regarding future activities of the programme, which was beginning to focus more on providing technical cooperation, particularly to developing countries and countries with economies in transition. It was noted that the proposed programme of work reflected a redirecting of the programme in line with the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles from 21 to 23 November 1991 (A/46/703 and Corr.1). Several participants welcomed the linkage of the allocation of resources to identified goals. It was noted, however, that the extensive crime-related needs and mandated activities still greatly exceeded the capacity of the programme. The means had to be provided to enable a better response to be made to the global challenge posed by crime. The Commission should therefore give a strong signal to the Committee for Programme and Coordination and other relevant bodies to approve the proposed strengthening of the programme and upgrading of the Branch.

166. A number of participants welcomed the emphasis placed on practical technical cooperation but pointed out the disparity between the increasing operational tasks deriving from the many requests for technical assistance, directed to the Branch, and the still limited resources available for it. Adequate support and

follow-up of the work of the interregional advisers for crime prevention and criminal justice also had to be ensured, and intensive efforts had to be made to raise additional extrabudgetary funds. There was also a need for expertise in the formulation of project proposals to be submitted for consideration to funding agencies and other prospective donors.

167. A number of participants expressed regret that, in addition to the narrative part of the proposed programme budget, actual figures were not included. Some noted that the recommendations of the World Ministerial Conference and the Ninth Congress were not included in the proposed programme budget and were not discussed by the Committee for Programme and Coordination. They were of the opinion that the budgetary information and financial implications of the mandates given should be considered by the Commission before it took decisions on follow-up and implementation. It was also felt, however, that substantive aspects should be the prime concern of the Commission and should dictate the resource requirements rather than vice versa.

168. In reply to the comments made about the lack of budgetary information in the note by the Secretary-General (E/CN.15/1995/10) on the proposed programme of work in crime prevention and criminal justice for the biennium 1996-1997, the Chief of the Financial Service of the United Nations Office at Vienna noted that, as indicated in regulation 4.9 of the Regulations Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/PPBME Rules/1(1987)) budgetary and administrative matters were considered by other intergovernmental bodies, namely the Committee for Programme and Coordination, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee of the General Assembly. Nevertheless, in connection with any envisaged resolution or programme changes, a written or oral statement of financial implications would be provided, in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

169. The Chief of the Branch, replying to questions posed by participants, stated that the programme budget documentation was prepared in line with official instructions and standard procedures. He agreed with the remarks made by some participants that the Branch was labouring under extreme resource constraints while trying to meet its statutory obligations and carrying out operations focusing on the priority concerns identified by the Commission.

170. At the request of a number of Member States, the Chairman presented a proposal concerning programme questions (see annex IV to the present report). In view of the lack of time, the Commission felt that it would not be possible to enter into a detailed, in-depth discussion of the proposal. Many speakers expressed in principle their agreement with the need for action on the issues addressed in that proposal and requested that it be annexed to the report of the Commission to allow the Economic and Social Council to be apprised of those views. Some speakers stressed their right to reserve their definitive position on that matter at the appropriate United Nations bodies dealing with programme matters addressed in the proposal. The Commission recommended that the Economic and Social Council take into account the proposal in its consideration of the programme questions relating to crime control.

ACTION TAKEN BY THE COMMISSION

Implementation of the plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme

171. At the 11th meeting, on 8 June, the representative of the United States of America introduced a draft resolution (E/CN.15/1995/L.14) entitled "Implementation of the plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme", which reads as follows:

"The Commission on Crime Prevention and Criminal Justice,

"Recognizing that in the statement of principles and programmes of action of the United Nations crime prevention and criminal justice programme, paragraphs 21 and 22, annexed to General Assembly resolution 46/152 of 18 December 1991, directives for determining the priorities and supervision of the programme were set out,

"Recalling that in resolution 1/1, annex, of the Commission on Crime Prevention and Criminal Justice, the Commission adopted a plan for strategic management by the Commission of the United Nations crime prevention and criminal justice programme in order to carry out those directives,

"1. Reaffirms the statement in General Assembly resolution 46/152 that the principal purpose of the United Nations crime prevention and criminal justice programme should be to provide practical assistance to States in combating both national and transnational crime;

"2. Reasserts its role as the principal policy-making body in the field of crime prevention and criminal justice with responsibility for coordinating all relevant activities in this area;

"3. Decides that, in implementing the mandates of resolution 1/1 of the Commission on Crime Prevention and Criminal Justice with regard to all activities in this area, it will follow the criteria elaborated in the annex to the present resolution.

"Annex

"IMPLEMENTATION OF THE PLAN FOR STRATEGIC MANAGEMENT BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

"I. BACKGROUND

"1. The Commission on Crime Prevention and Criminal Justice was established as the result of a lengthy review of the developments of the United Nations programme in this field between 1948 and 1990. The review was undertaken because of perceived inadequacies in the programme, particularly in relation to resource organizations and structural restraints coupled with the absence of a structured system of goals and priorities.

"2. The General Assembly, in its resolution 46/152, requested the Economic and Social Council to establish a Commission on Crime Prevention and Criminal Justice. In the annex to that resolution, the Commission was charged with, inter alia, developing, managing, monitoring and reviewing the implementation of the programme. Subsequently, the Commission, in its resolution 1/1, annex, recognized that this major undertaking could be frustrated by a number of factors, among which was continuing uncertainty as to what resources were to be available for the programme and the extent to which the Commission could control their use, conflicting pressures to include certain activities, lack of time to consider the various options and lack of an effective mechanism for implementation. It was noted that the needs were many, the resources would never be adequate to address them all and, therefore, that it was necessary to be realistic, accepting that not all expectations could be met all the time and that some matters would have to be deferred until other priority objectives were met.

"3. In addition, in the annex to Commission resolution 1/1, it was determined that strategic management of the programme required the Commission to agree on the general goals of the programme (with regard to both programme development and implementation), the needs to be met, the capacity available to meet those needs, the objectives for programme development, the specific activities to be carried out to promote the achievement of those objectives, the mechanisms to be used in determining the objectives and the specific activities, the measures for promoting programme implementation and the measures for evaluating programme accomplishments. It was noted that in carrying out the goals of the programme, unless a method for developing more specific details were determined, the Commission and the Secretariat would be confronted with a large number of well-meaning mandates, but would lack any means of determining their relative importance or of monitoring their implementation; the reform process leading to the creation of the Commission would be rendered inoperative and the Commission would not be able to maintain its credibility.

"4. It was therefore decided that the number of specific objectives should be realistic and that the Commission should develop both medium-term and short-term action plans. The medium-term action plan could span six years and the short-term action plan two years, thereby corresponding to the cycles of the medium-term plan and the programme budget, respectively. It was proposed that the short-term action plan should be closely linked to the agendas of subsequent sessions of the Commission. The agenda of each session could be limited to five substantive items, which would set the objectives for that biennium and which, working on a basis of a two-year action plan, would allow for a rolling process of agenda-setting with the programme focusing on 10 specific objectives at any one time. To allow for a proper mix of short term and medium-term activities, the agenda of each session would also include some standing items, such as a review of various technical cooperation projects or the development of the United Nations Criminal Justice Information Network (now called the United Nations Crime and Justice Information Network).

"5. In order to decide whether to carry out a proposed activity, the Commission would require an assessment of the work already done in that area. Proposals for specific activities should indicate the reasons for them, the work to be done, when and by whom they should be undertaken, the resources available, additional resources that may be required, and the objective qualitative and quantitative criteria for assessing success in implementation. The burden of providing this information would not necessarily be borne by the proponent, since some countries may not have the expertise or means to do so.

"6. This approach would enable the Commission to exercise its function of assessing the impact of the activities proposed on the work programme and deciding which ones must be deferred until further resources become available subject to decisions of the Assembly on the Commission's budget, and would result in focusing on specific objectives and concrete activities. A main way of achieving implementation would be to provide, on request, technical assistance and advisory services, particularly to developing countries.

"II. IMPLEMENTATION OF THE PLAN FOR STRATEGIC MANAGEMENT

"7. The combination of the many proposals for activities made by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the proposals for activities made by the Commission at its fourth session and the demands being made on the resources of the Commission and the Secretariat require that the procedures to be followed in implementing the strategic management plan are set out more specifically, to ensure that the mandates of that plan are properly carried out. Accordingly, the criteria to be satisfied prior to the implementation of a proposed activity are set out in this annex.

"8. A statement should be made of the implications of any activity proposed for approval by the Commission prior to any action being taken. The statement may be prepared by the proponent of the activity, in consultation with the Secretariat. If the proposal is not accompanied by such a statement, the Secretariat should advise the proponent of the need for one and, if the proponent cannot prepare the statement or any portion thereof, the Secretariat should do so.

"9. The statement should be carried out pursuant to United Nations rules, including programme budget implications as required by rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, and should contain the following information:

"(a) A description of the proposed activity and its scope, including a delineation of the tasks to be carried out;

"(b) A timetable for the proposed activity, detailing each task described under subparagraph (a) above and an explanation of the time required;

"(c) A designation of the body, United Nations or other, that should carry out the activity or any part of it, clarifying, if necessary, its division between two or more organizations, and a statement on whether that body has been consulted regarding the proposed activity and, if so, who was contacted and the response;

"(d) A description of the extent to which the proposed activity has already been carried out by any United Nations or other body, accompanied by a statement indicating that the proposed activity does not substantially duplicate those efforts;

"(e) A description of related current efforts by any United Nations or other body accompanied by a statement indicating that the proposed activity will not substantially duplicate those efforts;

"(f) A breakdown of the projected number of working hours per year of the staff of the Secretariat and other administrative costs that will be required in order to execute, oversee or otherwise implement the proposed activity;

"(g) A delineation of any source or sources that have committed funding for the implementation of the proposal, the quantity of that funding and a description of any restrictions imposed by any source on the use of that funding;

"(h) The result to be accomplished by the end of the period designated for the execution of the activity and the specific quantitative and qualitative criteria that would be needed to be accomplished in order to deem the activity successful.

"10. The Commission should take no action to implement a proposed activity until it has reviewed such a statement. Consideration of a proposal will be deferred if the procedures set forth in this annex have not been substantially complied with in time to permit a review of the matter at the session of the Commission at which, or prior to which, the proposal was submitted.

"11. The Commission should not forward a resolution recommending implementation of a proposed activity to the Economic and Social Council until such a statement has been prepared.

"12. The procedures set forth in this annex apply to all proposals for activities made by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, separate proposals for activities presented at the present session of the Commission, and all proposals for activity submitted thereafter.

"13. If a proposed activity is subsequently implemented, the Secretariat should report annually on the progress made in implementing that activity. The report should summarize the information set forth in the statement presented to the Commission at the time it considered the proposal and compare the extent to which the execution of the activity has conformed to projections set forth in the statement.

"14. Commencing with the fifth session of the Commission, a standing item should be included in the agenda in order that the Commission may review the extent to which activities have been successfully implemented in accordance with Commission resolution 1/1 and the procedures set forth in the present annex.

"III. SUMMARY

"15. The Commission on Crime Prevention and Criminal Justice reaffirms the principles set forth in General Assembly resolution 46/152 and Commission resolution 1/1.

"16. In order to ensure that the Commission can accomplish the practical approach set forth in those resolutions to the fullest extent possible, a statement of the implications of a proposed activity must be made before steps are taken to implement that activity. The statement must comply with all applicable United Nations rules and additionally set forth the action to be taken, the time-frame for conducting the activity, the United Nations or other body that will implement the plan, the extent to which the proposal has been or is being carried out by other bodies, the projected burden imposed by the activity on the Secretariat, the existence of any sources of funding already identified for carrying out the plan, and the qualitative and quantitative criteria that must be met by the activity in order for it to be deemed a success.

"17. With this information, the Commission can select a limited number of objectives to be included in the work programme at any one time, work in close cooperation with the Secretariat and the institutes to decide on specific activities designed to promote each of the objectives and oversee their effective implementation."

172. At its 13th meeting, on 9 June, the Commission had before it a revised draft resolution (E/CN.15/1995/L.14/Rev.1) entitled "Provision of information in accordance with the plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme". Subsequently, Angola, Australia,[45] Canada, Finland, Germany, Italy, Republic of Korea and United Kingdom of Great Britain and Northern Ireland[45] joined in sponsoring the revised draft resolution.

173. At the same meeting, the Commission adopted draft resolution E/CN.15/1995/L.14/Rev.1 (see chap. I, sect. D, resolution 4/3).

174. After the adoption of the draft resolution, the representative of Brazil made a statement expressing his delegation's reservations.

175. A statement was made by the representative of the United States of America.

Chapter VIII

PROVISIONAL AGENDA FOR THE FIFTH SESSION OF THE COMMISSION

176. The Commission considered item 9 of its agenda at its 13th meeting, on 9 June 1995. It had before it a note by the Secretariat containing the draft provisional agenda and documentation for its fifth session (E/CN.15/1995/L.16).

177. The Chief of the Crime Prevention and Criminal Justice Branch introduced the draft provisional agenda.

178. Following statements by the representatives of Canada, Colombia, the United States of America and Mexico, as well as the Chief of the Crime Prevention and Criminal Justice Branch, the Commission decided to recommend to the Economic and Social Council the approval of the draft provisional agenda for its fifth session, as orally amended (see chap. I, sect. C, draft decision III).

179. Also at the 13th meeting, on the proposal of the representative of the United States of America, the Commission decided to recommend for adoption by the Economic and Social Council a draft decision on the organization of work for its fifth session (for the text of the draft decision, see chap. I, sect. C, draft decision II).

Chapter IX

ADOPTION OF THE REPORT OF THE COMMISSION ON ITS FOURTH SESSION

180. At the 13th meeting, on 9 June 1995, the Rapporteur introduced and orally revised the draft report of the Commission on its fourth session (E/CN.15/1995/L.8 and Add. 1 and Corr. 1 and Add.2-6).

181. Following statements by the representatives of Mexico, Japan, Colombia and Germany and the observer for Turkey, the Commission adopted the report, as orally revised and amended during the discussion, and authorized the Rapporteur to finalize it.

Chapter X

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

182. The Commission on Crime Prevention and Criminal Justice held its fourth session at Vienna from 30 May to 9 June 1995. The Commission held 13 meetings (1st to 13th), several meetings of an open-ended working group and a number of informal meetings.

183. The fourth session was opened by the Chairperson of the third session, Zenaida Osorio Vizcaino (Cuba), who expressed her gratitude for the support that had helped her fulfil her mandate during the third session of the Commission. She recommended that the Commission at its fourth session should devote its main efforts to the implementation of the recommendations of the Ninth Congress. She praised the Government of Egypt for its generosity in acting as host to the Ninth Congress and the efforts that had ensured the remarkable success of the Ninth Congress.

184. Following his election, the Chairman of the fourth session, Ferdinand Mayrhofer-Grünbühel (Austria), thanked the members of the Commission for the confidence that they had placed in him. He noted that several important meetings related to crime prevention and criminal justice had recently taken place, the recommendations of which would serve as a useful basis for the work of the Commission at its fourth session. As significant efforts and resources had been invested in those events, he suggested that the Commission at its fourth session should seek to ensure the full implementation of those recommendations.

185. In his introductory statement, the Director-General of the United Nations Office at Vienna conveyed the greetings and good wishes of the Secretary-General, Boutros Boutros-Ghali, who was aware of the importance of the United Nations crime prevention and criminal justice programme and of the essential role of the Commission. As the only international body for policy development in this area, the Commission offered political wisdom, technical expertise and leadership in crime prevention and criminal justice and was a unique vehicle for the mobilization of international efforts in that field.

186. The Director-General stressed the importance of the results of the Ninth Congress and expressed deep gratitude to the Government and people of Egypt for hosting it. The Ninth Congress had discussed four substantive topics and had held six demonstration and research workshops that had permitted a more technical consideration of the priority issues of direct concern to Member States. The plenary meeting on experiences in and practical measures aimed at combating corruption involving public officials had attracted considerable attention. As a result, a number of recommendations had emerged requiring follow-up by all those concerned. The plenary meeting on technical cooperation projects had provided an opportunity to assess the progress achieved and problems encountered in undertaking operational activities. Member States, particularly developing countries and countries in transition, had discussed the need for assistance by the United Nations and the international community as a whole. It had become clear that in those countries, as in some developed countries, the inroads made by crime had exceeded the capacity of criminal justice systems. The paucity of trained personnel, the scarcity of modern equipment and the obsolescence of much legislation had rendered many systems unable to deal with organized crime. The Ninth Congress had reaffirmed the view that the new forms and dimensions of crime and the links among criminal organizations threatened the security and stability of States, making global action even more necessary.

187. The Director-General noted that consensus had been achieved on important issues and that the Commission was expected to provide guidance on how to practically translate it into reality, in the context of the priority themes identified by the Economic and Social Council in its resolution 1992/22, section VI. He said that the Council, in its resolution 1994/12, had requested the Commission to follow up the results

of the World Ministerial Conference on Organized Transnational Crime. A similar request was made by the General Assembly in its resolution 49/159.

188. The Director-General stated that the United Nations owed a debt of gratitude to the Italian Government for its generosity. He noted the importance of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, approved by the General Assembly in its resolution 49/159. In the Political Declaration, heads of State and Government, ministers responsible for criminal justice systems, and other high-level representatives of Governments expressed their resolve to protect their societies from organized crime through effective legislative measures and operational instruments. They also stated that they would direct particular efforts towards defeating the economic power of criminal organizations. They expressed a desire to achieve more effective international cooperation against the threats posed by organized transnational crime, particularly in relation to more closely aligning legislative texts concerning organized crime; strengthening international cooperation at the investigative, prosecutorial and judicial levels in operational matters; establishing modalities and basic principles for cooperation at the regional level; elaborating international agreements on organized crime; and adopting measures and strategies to prevent money-laundering and to control the use of the proceeds of crime. The Global Action Plan emphasized that the United Nations should facilitate the provision of technical cooperation, including the systematic exchange of experiences and expertise, in particular, by drafting legislation, providing special training for criminal justice officials and gathering, analysing and exchanging information. The General Assembly, in its resolution 49/159, requested the Secretary-General to transmit the Naples Political Declaration and Global Action Plan to the Commission for appropriate action, while recommending a higher level of priority for the United Nations crime prevention and criminal justice programme within the framework of the United Nations.

189. The Director-General noted that, as the United Nations crime prevention and criminal justice programme developed and expanded, it would enhance collaboration with other relevant programmes, agencies and organizations, while establishing new contacts and forms of cooperation, including the creation of implementation mechanisms such as partnerships or other types of joint venture. The Commission, which had been established at a time of momentous world changes, had the important function of coordinating all relevant activities and mobilizing support.

190. Recalling that United Nations policy-making organs had repeatedly and consistently recommended the upgrading of the Crime Prevention and Criminal Justice Branch to a division, to be provided with the necessary resources, the Director-General reported that the Secretary-General had proposed that the upgrading be done in the context of the programme budget for the biennium 1996-1997, subject to approval by the General Assembly. The Commission had a key role to play in providing practical direction and proposing concrete initiatives to implement the recommendations of the Ninth Congress and the World Ministerial Conference and in generally maximizing the effectiveness of the programme to meet the growing needs and expectations of States. That would result in improved assistance in crime prevention and criminal justice, the keystones of development, peace and democracy.

B. Attendance

191. In accordance with Economic and Social Council resolution 1992/1, the Commission is composed of 40 States Members of the United Nations, elected on the basis of the principle of equitable geographical distribution.

192. The session was attended by representatives of 38 States members of the Commission. Observers for other States Members of the United Nations and for non-member States and representatives of organizations of the United Nations system and intergovernmental and non-governmental organizations also attended. A list of participants is given in annex I to the present report.

C. Election of officers

193. At its 1st and 2nd meetings, on 30 May 1995, the Commission elected the following officers by acclamation:

Chairman: Ferdinand Mayrhofer-Grünbühel (Austria)

Vice-Chairpersons: Syargei Rukhlyadev (Belarus)
Abdelrahman Ibrahim Elkhalifa (Sudan)
Masuma Hasan (Pakistan)

Rapporteur: Eugenio María Curia (Argentina)

194. At its 6th meeting, on 2 June, in accordance with rule 19 of the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1), the Commission elected Ali Khalid El Hussein (Sudan) to replace Mr. Elkhalifa, who was unable to carry out his functions as Vice-Chairperson.

D. Agenda and organization of work

195. At its 1st meeting, on 30 May, the Commission adopted its provisional agenda, contained in document E/CN.15/1995/1 (see annex II to the present report, and approved the organization of work for its fourth session, contained in annex II to that document.

E. Documentation

196. The documents before the Commission at its fourth session are listed in annex III to the present report.

F. Consultations with non-governmental organizations

197. Written statements submitted by non-governmental organizations in accordance with rule 76 of the rules of procedure of the functional commissions of the Economic and Social Council are listed in annex III to the present report.

Annex I*

ATTENDANCE

Members

Angola: Agostinho Domingos, F. L. de Figueiredo, Manuel Francisco de Assis, Teresa Rodrigues Dias, Joao Baptista da Costa, Tomas Joao Alfredo, Vasco Antonio Grandao Ramos

Argentina: Elías Jassan, André Pesci Bourel, Mariano Ciafardini, Eugenio María Curia, Mariano Solessio, Aciela Scarnati Almada

Austria: Ferdinand Mayrhofer-Grünbühel, Roland Miklau, Christian Strohal, Werner Keuth, Emil Tellian, Irene Freudenschuss-Reichl, Ulrike Kathrein, Wolfgang Bogensberger, Helmut Weichart, Franz Petutschnig

Belarus: Syargei Rukhlyadev, Valyantsin Fisenka

Brazil: Thereza Maria M. Quintella, Sandra Graca F. de A. Valle, Antonio Humberto Braga, Edmundo Alberto Branco de Oliveira, Marcelo Baumbach

Burundi: Marc Birihanyuma

Canada: Peter F. Walker, Donald K. Piragoff, Philip Mackinnon, Lucie Angers, Denyse Dufresne, Jean-Luc Chouinard

China: Liu Yang, Li Changhe, Gong Xiaobing, Huang Yongan, Meng Xianying, Yang Yuguan, Zhang Yue, Liu Guoxiang, Chen Min

Colombia: Carlos Lemos Simmonds, Fernando Silva Garcia, Alicia Fernanda Quijano, Idoia Astrid Valladares Martinez, Adriana Mendoza Agudelo, Johanna Salah

Congo: Corneille Edouard Moka

Costa Rica: Enrique Castillo B., Stella Aviram Neuman

Cuba: Zenaida Osorio Vizcaino, Eliseo Zamora Hernandez

Finland: Kirsti Rissanen, Matti Joutsen, Kaarle Lehmus, Hanna Björkman

France: Jean-Michel Dasque, Daniel Labrosse, Christophe Guilhou, Marie-Anne Chapelle, Antoine Buchet, René Bregeon, Michel Ipas, François Poinsot, Thibault Fourriere

Germany: Karl Borchard, Konrad Hobe, Alfred Protz, Rainer Hofmeyer, Carolin Budde, Gerda Buchalla, Anna Klapp

Hungary: Károly Bárd, Endre Bocz, Imre Kertesz, Györö Somogyi

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*United Republic of Tanzania and Zaire were not represented at the session.

Indonesia: Muladi Muladi, I. Gde Djelantik, Perwitorini Wijono, Indarto, Zulkaranaen Yunus, I. Gusti A. Wesaka Puja

Iran (Islamic Republic of): Seyed Mojtaba Arastou, Mehdi Mir Afzal, Mehdi Hamzhie, Ali M. Mousavi

Italy: Luigi Scotti, Luigi Lauriola, Giovanni Polizzi, Vitalino Esposito, Gaetano Piccolella, Franco Testa, Elisabetta Belgiorno, Bruno Frattasi, Vittorio Mele, Giancarlo Capaldo, Salvatore Cirignotta, Lorenzo Salazar, Donatella Salari, Antonio Caselli

Japan: Yuki Furuta, Tadanori Inomata, Jiro Ono, Keiichi Aizawa, Masao Horikane, Soichiro Isobe, Kikuko Kato, Nobuyuki Kawai, Yoshiki Kobayashi, Hirokazu Urata, Takeshi Goto

Madagascar: Victor Ramanitra, Jacques Adolphe Tsaboto

Malawi: J. B. Kalaile

Malaysia: Samsuri Bin Arshad, Zaliha bt. Sainol Abidin, Zawyah Be Bte Loth Khan

Mexico: Everado Suárez Amezcua, Norma Pensado Moreno, Julián Ventura Valero

Morocco: Abderrahim Benmoussa, Omar Doumou, Abdeslam Ddbdoubi, Ahmed El Ghernougui, El-Hassane Lemhouer

Nicaragua: Carlos Hernandez Lopez, Xavier Argüello H., Sonia Roa, Franco Montealegre Callejas

Nigeria: Wilcox E. Ekenta

Pakistan: Masuma Hasan, Asad Mahmood Alvi, Mushtaq Ali Shah

Paraguay: Juan Rafael Caballero, José Caballero Quiñonez, Carlos Peyrat

Poland: Lucjan Lukasik, Ireneusz Matela, Janusz Potocki, Miroslaw Kumanek

Republic of Korea: Ho-Jin Lee, Tong-Gi Chung, Jin-Mu Park, Sung-Yol Surh, Hee-Seog Kwon, Byung In Cho, Hui-Gi Sim

Russian Federation: Evgeny A. Abramov, O. M. Sokolov, Alexander V. Zmeevskiy, Boris S. Avramenko, N. Y. Goltsova, Anatoli G. Radatchinski, A. A. Dronov, I. V. Tkachova

Sri Lanka: M.A.K. Girihagama

Sudan: Ali Khalid El Hussein, Adam Yousif Mohamed Mohamedain, Anas Eltayeb Elgailani

Thailand: Kanit Na Nakorn, Suchart Traiprasit, Prajak Budhisombut, Kittipong Kittayarak, Jumpon Phansumrit, Krit Kraichitti, Kiertisuckdi Vongchaisuwan, Adul Udompol, Yossawan Boriboonthana

Tunisia: Mohamed El Fadhel Khalil, Taoufik Jabeur, Mohamed Salah Ben Ayed, Tahar Fellous, Emna Lazoughli

Uganda:	Joseph A. Etima, Alfred P. W. Nasaba
United States of America:	Jonathan Winer, John Ritch, Robert Sims, Marlene Beckman, Michael Defeo, Kenneth Harris, Thomas A. Johnson, Eric E. Svendsen, Beverly Z. Zweiben

States Members of the United Nations represented by observers

Algeria, Australia, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Ethiopia, India, Iraq, Ireland, Israel, Jordan, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Monaco, Netherlands, Oman, Panama, Peru, Philippines, Portugal, Qatar, Romania, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela

Non-member States represented by observers

Holy See, Switzerland

United Nations

Commission on Human Rights, United Nations International Drug Control Programme, United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council

Specialized agencies

United Nations Educational Scientific and Cultural Organization

Intergovernmental organizations represented by observers

Arab Security Studies and Training Centre, Asia-African Legal Consultative Committee, Council of Arab Ministers of the Interior, European Commission, EUROPOL Drugs Unit, International Criminal Police Organization, League of Arab States

Non-governmental organizations

Category I:	Caritas Internationalis, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, Zonta International
Category II:	Amnesty International, Asia Crime Prevention Foundation, Baha'i International Community, Centro Nazionale di Prevenzione e Difesa Sociale, Defense for Children International, Howard League for Penal Reform, International Association of Juvenile and Family Court Magistrates, International Commission of Jurists, International Council of Environmental Law, International Federation of University Women, International Federation of Women Lawyers, International

Fellowship Reconciliation, International Society for Criminology, International Society of Social Defense, Italian Centre of Solidarity, Pax Romana (International Catholic Movement for International and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, The Salvation Army, Women's International League for Peace and Freedom, World Federation for Mental Health, World Jurist Association of the World Peace through Law Center, World Society of Victimology

Roster: Association of Chief Officers of Probation, International Council of Psychologists, International Narcotic Enforcement Officers Association, Inc., World Alliance of Reformed Churches

Annex II

AGENDA OF THE FOURTH SESSION

1. Election of officers.

2. Adoption of the agenda and organization of work.

3. Consideration of the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

4. Review of priority themes.

5. Technical cooperation and strengthening of the United Nations crime prevention and criminal justice programme.

6. United Nations standards and norms in the field of crime prevention and criminal justice.

7. Cooperation and coordination of activities with other United Nations Bodies and other entitites.

8. Programme questions.

9. Provisional agenda for the fifth session of the Commission.

10. Adoption of the report of the Commission on its fourth session.

Annex III

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS FOURTH SESSION

Document symbol	Agenda item	Title or description
E/CN.15/1995/1	2	Provisional agenda
E/CN.15/1995/2	4	Report of the Secretary-General on proposals related to the programmatic aspects of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime
E/CN.15/1995/3	4	Note by the Secretariat on additional information on measures to combat alien smuggling
E/CN.15/1995/4	4	Report prepared by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders on the world situation with regard to international traffic in minors
E/CN.15/1995/5	4	Report of the Secretary-General on activities of United Nations bodies and institutions with regard to the issue of violence against women and children
E/CN.15/1995/6	5	Report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme
E/CN.15/1995/6/Add.1	5	Report of the Secretary-General on proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme
E/CN.15/1995/7	6	Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice
E/CN.15/1995/7/Add.1	6	Addendum to the report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice: the development of United Nations minimum rules for the administration of criminal justice
E/CN.15/1995/8	7	Report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme
E/CN.15/1995/9	7	Report of the Secretary-General on activities of the United Nations Interregional Crime and Justice Research Institute and other institutes, including the African

		Institute for the Prevention of Crime and the Treatment of Offenders
E/CN.15/1995/9/Add.1	7	Addendum to the report of the Secretary-General on activities of the United Nations Interregional Crime and Justice Research Institute and other institutes, including the African Institute for the Prevention of Crime and the Treatment of Offenders: nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1995/10	8	Note by the Secretary-General on the proposed programme of work in crime prevention and criminal justice for the biennium 1996-1997
E/CN.15/1995/11	4	Note verbale dated 25 May 1995 from the Permanent Mission of Italy to the United Nations (Vienna) addressed to the Director-General of the United Nations Office at Vienna, including the preliminary report of the meeting of the international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel, held at Rome from 17 to 18 May 1995
E/CN.15/1995/12	5	Report of the Secretary-General on strengthening the United Nations crime prevention and criminal justice programme
A/CONF.169/16	3	Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1995/NGO/1	6	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation of Business and Professional Women, Zonta International (category I); Arab Lawyers Union, Caritas Internationalis (International Confederation of Catholic Charities), Fundación de Ayuda contra la Drogadicción, International Abolitionist Federation, International Association of Juvenile and Family Court Magistrates, International Association of Lions Clubs - Lions Club International, International Council on Alcohol and Addictions, International Federation of Social Workers, International Federation of University Women, Italian Centre of Solidarity, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, World Association of Girl Guides and Girl Scouts, World Leisure and Recreation Association (category II); International Inner Wheel, International Round Table for the Advancement of Counselling (roster)

E/CN.15/1995/CRP.1	3	Conference room paper prepared by the Secretariat on matters arising from the resolutions of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders requiring follow-up action or consideration by the Commission on Crime Prevention and Criminal Justice
E/CN.15/1995/CRP.2	3	Conference room paper prepared by the Secretariat providing an overview of the ancillary and professional meetings held on the occasion of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1995/CRP.3	4	Draft monograph on capacity-building in criminal enforcement of environmental law
E/CN.15/1995/L.1	3	Draft resolution submitted by the Chairman of the Commission
E/CN.15/1995/L.2	3	Tunisia: draft resolution
E/CN.15/1995/L.3	4	France: draft resolution
E/CN.15/1995/L.4	4	United States of America: draft resolution
E/CN.15/1995/L.4/Rev.1	4	Germany and United States of America: revised draft resolution
E/CN.15/1995/L.5/Rev.1	5	United States of America: revised draft resolution
E/CN.15/1995/L.6	3	Japan: draft resolution
E/CN.15/1995/L.7/Rev.2	4	Revised draft resolution submitted by Mr. Luigi Lauriola (Italy) on the basis of informal consultations held on agenda item 4
E/CN.15/1995/L.8 and Add.1 and Corr.1 and Add.2-6	10	Draft report of the Commission
E/CN.15/1995/L.9	6	Draft resolution submitted by the Chairman
E/CN.15/1995/L.10	6	Argentina and Netherlands: draft resolution
E/CN.15/1995/L.11	5	Belarus, Finland, Poland, Russian Federation, Sri Lanka and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.15/1995/L.12	6	Draft resolution submitted by the Chairperson of the open-ended in-sessional working group, Ms. Masuma Hasan (Pakistan)

E/CN.15/1995/L.13/Rev.1	3	Revised draft resolution submitted by Mr. Luigi Lauriola (Italy) on the basis of informal consultations held on agenda item 3
E/CN.15/1995/L.14/Rev.1	8	United States of America: revised draft resolution
E/CN.15/1995/L.15	6	Angola, Madagascar, Malawi, Nigeria, Sri Lanka, Sudan and Uganda: draft resolution
E/CN.15/1995/L.16	9	Provisional agenda, and documentation for the fifth session of the Commission on Crime Prevention and Criminal Justice

Annex IV

PROPOSAL DISCUSSED BY THE COMMISSION AT ITS 13TH MEETING

The Commission on Crime Prevention and Criminal Justice,

Recalling Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/34 of 27 July 1993 and 1994/16 of 25 July 1994,

Recalling also General Assembly resolutions 46/152 of 18 December 1991, 47/91 of 16 December 1992, 48/103 of 20 December 1993 and 49/158 of 23 December 1994,

Recalling in particular General Assembly resolution 49/159 of 23 December 1994, in which the Assembly resolved to take decisions at its fiftieth session on the allocation of adequate resources to the United Nations crime prevention and criminal justice programme on the basis of proposals for the modification of the programme to be submitted by the Secretary-General, taking into account the responsibilities entrusted to the United Nations pursuant to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[1]

Taking into account the recommendations contained in draft resolution I, as well as the draft resolution for adoption by the General Assembly related to the follow-up to the conclusions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Endorses the proposed programme of work in crime prevention and criminal justice for the biennium 1996-1997, contained in the note by the Secretary-General,[2] submitted to the Commission on Crime Prevention and Criminal Justice at its fourth session;

2. Requests the Secretary-General to further elaborate the proposed programme of work in the light of all the recommendations and resolutions contained in the draft resolutions of the Commission at its fourth session;

3. Expresses its concern about the fact that the proposed programme of work for the biennium 1996-1997 does not fully reflect the requirements for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and requests the Secretary-General to implement General Assembly resolution 49/159, paragraph 7;

4. Recommends that the Economic and Social Council and the General Assembly should duly take into account the recommendations of the Commission on the follow-up to the conclusions and recommendations of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, when considering section 13 of the proposed programme budget for the biennium 1996-1997;

5. Requests the Secretary-General to provide the members of the Commission with full programmatic and budgetary information contained in the proposed programme budget and with statements of programme budget implications relevant to the United Nations crime prevention and criminal justice programme, in accordance with the regulations and rules of the United Nations on programme planning and budgeting;

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[1] A/49/748, annex, chap. I, sect. A.

[2] E/CN.15/1995/10.

6. Recommends that the Committee for Programme and Coordination, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee of the General Assembly should be guided by the proposed programme of work in crime prevention and criminal justice for the biennium 1996-1997, the recommendations of the Commission at its fourth session and those of the Economic and Social Council on the objectives and implementation of the programme.

Annex V

ORAL STATEMENT OF THE PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTION I PRESENTED BY THE DIRECTOR OF THE DIVISION OF ADMINISTRATIVE AND COMMON SERVICES, UNITED NATIONS OFFICE AT VIENNA, TO THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE AT ITS FOURTH SESSION*

1. The programme and budget implications pertaining to draft resolution I of the Commission, entitled "Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", were presented orally by the Director of Administrative and Common Services of the United Nations Office at Vienna to the Commission on Crime Prevention and Criminal Justice at its fourth session, as follows:

(a) Under the terms of draft resolution I, the Economic and Social Council would request the Commission and the Secretary-General to undertake a number of activities during the year 1995 and the biennium 1996-1997, implementation of which would require additional resources;

(b) Should the Economic and Social Council adopt the draft resolution, the activities which would need to be initiated in 1995, in particular those relating to firearms regulations (section IV.A of the draft resolution), would be financed from within the resources already approved under section 13 (Crime control) of the 1994-1995 programme budget, through reassignment of priorities or from extrabudgetary resources, as requested in the draft resolution;

(c) As far as the requirements for the biennium 1996-1997 are concerned, it is estimated that to a large extent they could be accommodated from within the programme of work and resources already proposed by the Secretary-General in his 1996-1997 programme budget under section 13 or from extrabudgetary resources as requested in the draft resolution. Some activities are new, however, and would require resources over and above those proposed under section 13. These are as follows:

		US$
(i)	Travel of members of the Commission to attend the intersessional working group (section I.B of the draft resolution)	112,000
(ii)	Ad hoc expert group meeting on firearms regulations (section IV.A.4 of the draft resolution)	56,000
(iii)	Consultancy services for preparation of a specialized report on firearms (section IV.A.4 of the draft resolution)	24,000
		192,000

These additional requirements ($192,000) would be reported to the General Assembly and dealt with in accordance with the procedure for use and operation of the contingency fund established by General Assembly resolution 42/211;

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*In accordnce with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

(d) The conference-servicing requirements for the intersessional and in-sessional open-ended working groups and other meetings proposed in the draft resolution are estimated to cost $330,000. These requirements would be dealt with within the overall conference-servicing capacity of the United Nations Office at Vienna and related provisions reserved in the programme budget for that purpose. The actual conference-servicing costs of the meetings will be reported to the General Assembly in the context of the budget performance report for that biennium.

2. After the above statement was presented, at its 12th and 13th meetings, the Commission decided to amend the resolution as noted in paragraph 51 of the report. Taking into account the amendment introduced, in particular with regard to the paragraph pertaining to the establishment of a regional centre for training and research in crime prevention and criminal justice for the Mediterranean States, subparagraph (c) of the above statement should read as follows:

"(c) As far as the requirements for the biennium 1996-1997 are concerned, it is estimated that to a large extent they could be accommodated from the programme of work and resources already proposed by the Secretary-General in his 1996-1997 programme budget under section 13 or from extrabudgetary resources as requested in various paragraphs of the draft resolution. Some activities are new, however, and would require resources over and above those proposed under section 13. These are as follows:

		US$
"(i)	Ad hoc expert group meeting on firearms regulations (section IV.A.4 of the draft resolution)	56,000
"(ii)	Consultancy services for preparation of a specialized report on firearms (section IV.A.4 of the draft resolution)	24,000
		80,000

"These additional requirements ($80,000) would be reported to the General Assembly and dealt with in accordance with the procedure for use and operation of the contingency fund established by resolution 42/211."